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COMMITTEE MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND COMPLIANCE COMMITTEE

JOE SERNA, JR., CAL/EPA BUILDING
1001 I STREET
2ND FLOOR
COASTAL HEARING ROOM
SACRAMENTO, CALIFORNIA

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chair

Mr. Jeffrey Danzinger

Ms. Cheryl Peace

BOARD MEMBER ALSO PRESENT

Mr. Wesley Chesbro

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Mr. Reinhard Hohlwein, Staff

Mr. Robert Holmes, Staff

Mr. Howard Levenson, Program Director, Waste Prevention & Market Development

Ms. Mary Madison-Johnson, Supervisor, Region 1 Permitting & LEA Support

Mr. William Marciniak, Staff

Ms. Cara Morgan, Division Chief, Local Assistance and Market Development Division

Ms. Dianne Ohiosumua, Staff

Mr. Bill Orr, Division Chief, Cleanup, Closure and Financial Assurance Division

Mr. Ted Rauh, Deputy Director

Ms. Tabetha Willmon, Staff

Ms. Dorothy Woody, Staff

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APPEARANCES CONTINUED

ALSO PRESENT

Mr. William Brunet, LEA, Imperial County

Ms. Therese Cannata, Cold Creek Compost

Mr. John Cupps, consultant

Mr. Bob Douthitt, Imperial County Waste Management

Mr. Richard Ludt, Interior Removal

Mr. Pete Oda, LEA, County of LA

Mr. Lars Seifert, LEA, Imperial County

Mr. Trey Strickland, LEA

Ms. Jane Veres, Cold Creek Compost

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INDEX

	PAGE
Roll Call And Declaration Of Quorum	1
Public Comment	
A. Program Directors' Report	2
B. Consideration of a New Full Solid Waste Facilities Permit (Compostable Materials Handling Facility) for the Cold Creek Compost Facility, Mendocino County	5
C. Consideration of a New Full Solid Waste Facilities Permit (Large Volume Construction and Demolition/Inert Debris Processing Facility) for Construction and Demolition Recycling, Los Angeles County	46
Motion	54
Vote	54
D. Consideration of a Revised Full Solid Waste Facilities Permit (Disposal Facility) for Niland Solid Waste Site, Imperial County	55
Motion	64
Vote	64
E. Consideration of a Revised Full Solid Waste Facilities Permit (Transfer/Processing Station) for the Western Amador Recycling Facility (WARF), Amador County	64
Motion	64
Vote	64
F. Consideration of the Adoption of a Negative Declaration (State Clearinghouse #2007122038) and Proposed Regulations on Mammalian Tissue Composting	65
Motion	73
Vote	74
G. Update on Landfill Long-Term Financial Assurances Activities for Postclosure Maintenance and Corrective Action	74

INDEX CONTINUED

PAGE

H.	Consideration of the Imperial Valley Resource	85
	Management Agency Joint Powers Formation Agreement	
	Between the Cities of Brawley, Calexico, Calipatria,	
	El Centro, Holtville, Imperial, Westmorland, and the	
	Unincorporated Imperial County	
	Motion	90
	Vote	91
I.	Adjournment	
J.	Reporter's Certificate	

1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good afternoon, everybody.

3 Welcome to the February 11th meeting of the Permitting and
4 Compliance Committee.

5 We have agendas on the back table. And if anyone
6 would like to address the Committee, we do have speaker
7 slips back there as well. We ask that you fill them out
8 and bring them up to Donnell, and then you will have an
9 opportunity to address our Committee.

10 Also I would like to request everyone either turn
11 off or put in silent mode your pagers and cell phones.

12 And with that, Donnell, could you call the roll?

13 SECRETARY DUCLO: Members Danzinger?

14 COMMITTEE MEMBER DANZINGER: Here.

15 SECRETARY DUCLO: Peace?

16 COMMITTEE MEMBER PEACE: Here.

17 SECRETARY DUCLO: Chair Mulé?

18 CHAIRPERSON MULÉ: Here.

19 Members, do we have any ex partes?

20 COMMITTEE MEMBER PEACE: Up to date.

21 BOARD MEMBER CHESBRO: Even though I'm not a
22 voting member of the Committee --

23 CHAIRPERSON MULÉ: And we also have Member
24 Chesbro with us.

25 BOARD MEMBER CHESBRO: I did over at the

1 Composting Conference in Oakland have a conversation with
2 Martin Mileck of Cold Creek Composting. Amazingly enough,
3 we didn't talk about the permit. But we did talk about a
4 number of issues associated. I just thought it was a good
5 idea to disclose the conversation.

6 CHAIRPERSON MULÉ: Thank you.

7 And I briefly spoke to John Cupps on Item 7 and
8 then Larry Sweetser on Item 3.

9 So with that, let's move forward to the Program
10 Director's reports. Who wants to go first?

11 DEPUTY DIRECTOR RAUH: Thank you. This is Ted
12 Rauh. I'm the Director of the Waste Compliance and
13 Mitigation Program. A couple of items to bring to your
14 attention.

15 First item is sort of a report on the status of
16 our program. We've gone through a substantial amount of
17 change in the last year, and I just thought I would bring
18 that quickly to your attention.

19 Over the last 13 months, the supervisor and
20 managers of the program we've experienced an 80 percent
21 change, which is a very substantial change as one can
22 expect. At the same time, nearly 50 percent our senior
23 IWMS staff have also changed. In some cases, we've
24 brought experienced people in those classifications into
25 our program as taking the vacant positions. In other

1 cases, we brought in new staff, all certainly well
2 qualified and very motivated to be with the Board.

3 But again when you look at that number, you can
4 see that substantial amount of change and the capability
5 of our program. And certainly over this next year we'll
6 be spending a considerable amount of time in developing
7 staff training and professional proficiency in our various
8 program areas.

9 The next area I'd like to bring to your attention
10 is tire enforcement grants. The tire enforcement grant
11 process has reached the stage where all of the applicants
12 have submitted their grants. And we've just done a tally.
13 This occurred last year. We actually have 42 applicants
14 this time, which is an increase of three over the number
15 we had the previous year.

16 And with respect to the total amount being
17 requested, it's \$8.44 million, which is nearly \$1.7
18 million over what the Board approved for this program last
19 year in the allocation phase.

20 Of course, we haven't done the review of these
21 grants, so we don't know whether all that money will be
22 necessary. But what we do plan on doing if it becomes a
23 fact that there is more money being requested than has
24 been allocated to this point, we'll come forward with two
25 recommendations for you. The first would be to allocate

1 the funds as the criteria allow, scaling them back to meet
2 the 6.75 million. And the second option would be with a
3 suggestion that you augment to satisfy all of the
4 applicable and appropriate applications.

5 So we're a couple months away from coming back
6 before you, but I just wanted to let you know that the
7 changes in criteria you made seem to have increased
8 interest or at least in funding interest for this program.

9 The third area I wanted to mention very quickly
10 is just some staff accolades. We recently received
11 substantial recognition for some of the folks in our
12 cleanup program. Glenn Young, Angela Basquez, and Dawn
13 Owen received strong praise from Allen Stroh, the Monterey
14 County Director of Environmental Health, for their
15 outstanding work in installing gas extraction monitoring
16 wells as part of Laguna Seca closed landfill project.

17 And also Scott Walker, Wes Mindermann, Brad
18 Williams, and Mustafe Botan were singled out by a number
19 of folks as part of their contributions -- continuing
20 contributions to the Torres Martinez Solid Waste
21 Collaborative. And there the Board has worked on four
22 sites and is continuing to work on a site. And praise has
23 come from as far afield as the Bureau of Indian Affairs,
24 U.S. EPA, certainly the County, the Indian tribes
25 associated with it. Everyone associated with it certainly

1 feels that the Board through its presence are making a
2 substantial difference for that tribal land.

3 And that concludes my report.

4 CHAIRPERSON MULÉ: Thank you, Ted.

5 Any questions for Ted? No.

6 I just want to make a comment. I was at the
7 Torres Martinez Collaborative event in Thermal last
8 Thursday, and a number of those agencies that you
9 mentioned, Ted, the BIA, U.S. EPA, County Supervisor, and
10 others, did not only praise our staff, they were very
11 appreciative of the work the staff did, but also the
12 contribution that the Board has made for the four major
13 cleanups amounting to over \$1.6 million. As one of the
14 members of U.S. EPA said that they feel the Integrated
15 Waste Board was the secret weapon in the success of the
16 Torres Martinez Collaborative being the success it is. So
17 I just wanted to share that with my fellow Board members.

18 With that, let's move into our agenda items. The
19 first one is Committee Item B, Ted.

20 DEPUTY DIRECTOR RAUH: Thank you, Madam Chair.
21 The first item is Consideration of a New Full Solid Waste
22 Facility Permit Covering Compostable Materials Handling
23 for the Cold Creek Compost Facility Located in Mendocino
24 County.

25 This permit poses some interesting issues for the

1 Board. The operator currently operates under a
2 standardized composting permit and has compliance problem
3 history managing odors. The facility is subject to a
4 court order, which includes odor management provisions.

5 Staff has worked with the LEA to ensure the
6 permit before you will incorporate odor management
7 practices. And here to present the item for your
8 consideration is Reinhard Hohlwein. Take it away.

9 MR. HOHLWEIN: Thank you. Good day, Committee
10 members. This item regards the issuance of a new full
11 solid waste facilities permit for the Cold Creek Compost
12 Facility, which is located on a ridgetop in the hills of
13 eastern Mendocino County above the small town of Potter
14 Valley.

15 This permit action is necessitated by a change in
16 the regulations, which occurred a few years ago, which
17 requires all compost facilities which previously operated
18 under existing standardized composting permits to obtain a
19 compostable materials handling facility permit by a date
20 ascertained by the local enforcement agency. That date is
21 May 8th of this year.

22 The governing standardized permit was issued in
23 1999. The proposed permit as submitted will not change or
24 enact any new entitlements for the operator. It will
25 however clarify details regarding the acreage and the

1 allowable waste types at the facility. Board staff and
2 the LEA have worked extremely hard to ensure that this
3 permit is the best possible document to describe the
4 facility as it operates today.

5 The permitted tonnage of 400 tons per day will
6 not be adjusted, nor would it change or increase the daily
7 traffic vehicle count. The site is not open to the
8 public. The operator will continue to accept processed
9 and compost seven days a week.

10 The facility is located in an area of low density
11 rural housing. Because of the location of the facility
12 and the variability of the local climate, there have been
13 numerous odor issues documented by the LEA over a period
14 of many years. These impacts were the subject of a
15 private legal action seeking to fine the facility as a
16 nuisance. That lawsuit was filed in 2002. It was found
17 to be appropriate, and an injunction was filed against the
18 operator in 2004.

19 That finding was appealed by the operator and all
20 conditions were stayed under that appeal. The appeal was
21 eventually denied. The injunction was upheld in June of
22 last year. And the operational requirements and
23 conditions contained in the injunction were incorporated
24 to every extent possible in the new permit.

25 The nearest residence is a little over a mile

1 from the permitted boundary. The LEA has documented
2 numerous complaints from that residence over the past
3 several years. In the fall, cooling air masses take some
4 of the odors from the site down slope to nearby receptors.
5 Grape pumace, a residual waste from local wineries, is
6 usually the source of most of the odor complaints. The
7 LEA has documented more than 60 confirmed complaints,
8 almost all of them involving grape pumace and coming in
9 the months of grape harvest, which is early fall.

10 The LEA has issued two Notice of Orders in 2004
11 and 2006 to the operator to control odors. On numerous
12 occasions over the past several years, Waste Board staff
13 have provided the operator with the most current technical
14 guidance we had available on best management practices and
15 other operational guidelines.

16 The odor complaints did decline in 2007 resulting
17 in only two confirmed complaints last fall. The
18 injunction and the permit both address operational
19 mandates to minimize odors coming from the waste material
20 as well as other possible sources. Some of the methods
21 addressed in the permit to control odors are tarping of
22 the feed stocks and the use of aerated static piles.

23 On Friday of last week, Board staff were informed
24 that the Board members had received another letter from
25 the attorney for the plaintiffs in the legal action.

1 After reviewing the letter, we feel comfortable that all
2 issues raised in the letter had been adequately addressed
3 in the permit, except those involving water quality. Our
4 program director will be referring all water quality
5 issues to the North Coast Regional Water Quality Control
6 Board for resolution.

7 Waste Board staff will continue to work with the
8 Regional Board staff regarding solutions to the water
9 quality issues identified in state inspections.

10 There is no new CEQA document associated with
11 this item as this permit action is an administrative
12 necessity. The County of Mendocino, acting as lead
13 agency, issued an EIR in support of the standardized
14 permit in 1999. Staff have made all the required
15 findings, and therefore staff recommends that the Board
16 concur in the issuance of revised proposed permit as
17 submitted by the LEA. Should the Committee have any
18 questions, we would be happy to answer those.

19 Trey Strickland of the LEA is here today to
20 provide any additional background or information. And the
21 operator is also present to answer any questions.

22 CHAIRPERSON MULÉ: Thank you, Reinhard.

23 Any questions? Board Member Peace.

24 COMMITTEE MEMBER PEACE: I'd like to hear from
25 the operator. I have some questions of the operator. I

1 don't think I have any questions of staff.

2 COMMITTEE MEMBER DANZINGER: Is somebody else
3 going to speak? I think I think have questions for staff.

4 MS. VERES: Would you like me to give my name?

5 CHAIRPERSON MULÉ: Yes.

6 MS. VERES: Clearly, I'm not Martin. My name is
7 Jane Veres. I'm the permitting consultant for Cold Creek
8 Compost. So I'd be happy to answer your questions.

9 CHAIRPERSON MULÉ: Thank you. Stay put.

10 COMMITTEE MEMBER PEACE: I don't mean to go
11 through the whole thing again. But in 2003, it shows you
12 had eight violations for odor issues. In 2004, again
13 eight violations. And then in 2004, I guess it was so bad
14 neighbors felt like they had to bring a lawsuit against
15 you to do something about the odors. And then there was a
16 court order. Prohibited you from operating the composting
17 facility without maintaining odor control measures and
18 dust control measures and then also required the
19 implementation of a number of procedures and practices to
20 reduce odor.

21 But then you appealed, which stayed the order.
22 And then during the two-and-a-half years of the appeal,
23 you continued to rack up violations for odor. Again 2005,
24 you had five. 2006, you had nine.

25 I was just wondering during that 2005-2006 period

1 when the court order was stayed, did you not think that
2 you had an odor problem? So did you try to even implement
3 any of the things that were in the court order during that
4 time?

5 MS. VERES: Many of the items that were listed in
6 the injunction, which I believe you have a copy of, were
7 instigated straight away. And it took some time and
8 experience to figure out how to make these things work.

9 The operator's experience obviously goes back a
10 lot longer than that. And the facility has tried
11 throughout the years to work on and use this experience to
12 develop techniques that will improve that situation.

13 The biggest influence we believe is the climatic
14 factor, the things that happen at certain times of the
15 year with the fall and the inversions, the fact we're on a
16 ridge surrounded by canyons. And it's notable the odor
17 complaints come down to one particular location.

18 So the types of things that are in the injunction
19 were implemented, but so were many other measures as well.
20 In particular, the monitoring of the weather patterns and
21 trying to make sure certain operations weren't conducted
22 when the weather pattern -- when the weather was changing
23 to the pattern we started to recognize was responsible for
24 some of that odor transmission.

25 So the answer is yes. They actually started

1 implementing -- in fact, there were processes in place way
2 before the injunction. They worked with the court expert
3 who was appointed to try to instigate what they could as
4 far as the injunction was concerned and continued working
5 on that while the legal issues were resolved. And in fact
6 the whole thing only came to an end in June of this year,
7 June 2007.

8 And there was actually a second case involved
9 from a legal perspective as well, which was there was a
10 challenge against the county's EIR. And that legal issue
11 dates back prior to the injunction. So the facility had
12 been working for a long time towards result in those
13 issues. We feel like it's taken some experience and some
14 time and the work of everybody, but we really believe
15 we've made great inroads into that.

16 COMMITTEE MEMBER PEACE: It did say the court
17 order was reinstituted when you lost the appeal in June
18 of '07. I did notice that the odor complaints -- I
19 shouldn't say complaints. The odor issues that the LEA
20 wrote up dropped to two. So now you are telling me that
21 you're conducting your operations in accordance with all
22 the terms of the injunction?

23 MS. VERES: We're working as closely as we can to
24 everything that's in the injunction. The intent of the
25 injunction of course was to deal with those odor issues.

1 And we believe we're successfully doing that, yes. I can
2 talk -- I mean, in terms of the specifics of the
3 injunction, it may be better for me to refer to Therese
4 who's the attorney if that's helpful to you. I can talk
5 to you about the operation --

6 COMMITTEE MEMBER PEACE: For the last year, the
7 LEA wrote up two State Minimum Standard violations for the
8 odor. I'm just wondering, did you get any letters from
9 residents or phone calls?

10 MS. VERES: We don't get direct contact from the
11 residents, no. The contact that the residents make is
12 through the local LEA. We've been working closely with
13 the LEA when we're aware of the complaint. We've put in
14 over the course of this year we put in a new complaints
15 process. One of the things we'd like to do is use any
16 information we can gather to try to feed what we're
17 learning from that back into the operational process. So,
18 no, nothing directly from the neighbors.

19 COMMITTEE MEMBER PEACE: I did notice that we
20 added letter V to your permit that does say you need to
21 follow all the conditions that are set forth in that court
22 order. I was glad to see that was added. Because I would
23 have had a very difficult time voting for this if it
24 hadn't been in there.

25 That's all the questions I have for right now. I

1 might have some later.

2 CHAIRPERSON MULÉ: Thank you, Board Member Peace.
3 Board Member Danzinger.

4 COMMITTEE MEMBER DANZINGER: I think my questions
5 at least initially may be more directed at staff and the
6 LEA. It's funny. Reinhard, I think the last time you
7 were before us it was like the third or fourth one in a
8 row that was a slam drunk. And I remember telling you I'm
9 sure all of your colleagues were envious of your items,
10 but it's come back in spades here I think.

11 MR. HOHLWEIN: Yes, it has.

12 COMMITTEE MEMBER DANZINGER: I want to echo
13 Cheryl's comments on the addition of Item V. I think
14 that's critical and that's good thinking. And I think
15 it's essential to moving forward and getting this
16 operation fully into compliance.

17 I assume -- because I noticed between the initial
18 and the revised permit there were a couple things in the
19 initial one that were not in the revised one. And I
20 assume that means that they were pulled out and
21 incorporated into -- well, for instance, there was in the
22 initial one there was one relating -- well, the first one
23 I caught was K in the "initial pathogen reduction,
24 windrows should be tarped or covered each night from
25 September 1, January 1, unless an alternative odor control

1 measure has been approved by the LEA." That's not in the
2 revised one, and I notice that's one in the injunction. I
3 don't know whether that means there was a few in the
4 initial that we sort of pulled out because it sort of
5 incorporated all of the elements of the injunction that
6 were sort of interposing with the permit now. And that's
7 what that is?

8 MR. HOHLWEIN: Well, there have been --

9 COMMITTEE MEMBER DANZINGER: Unless I overlooked
10 something.

11 MR. HOHLWEIN: I think we've done as
12 comprehensive a job as we could have going back and forth
13 to make sure everything was covered. And I think that's
14 the language we arrived at to make sure the initial
15 concern was still there and that the injunction was dealt
16 with on its own at the end in mass.

17 COMMITTEE MEMBER DANZINGER: Okay. So it's
18 excising in revised version is the reflection of the fact
19 that's in the injunction. So by adding V, we sort of
20 covered those things.

21 MR. HOHLWEIN: I don't think we've ever had an
22 item where we worked harder to make changes and have gone
23 back and forth in so many iterations.

24 COMMITTEE MEMBER DANZINGER: Right. Right.
25 Okay.

1 And to come back to one of the issues that Cheryl
2 raised. Just so I understand. So a determination, final
3 or preliminary, has not been made that the operation is in
4 conformance with all of the measures of the injunction.
5 So the injunction has not been met right. I mean, the
6 requirements of the injunction, they have not been met; is
7 that true? Is that still a fluid process or what?

8 BRANCH MANAGER DE BIE: Mark de Bie.

9 The injunction is, you know, an action by the
10 court --

11 COMMITTEE MEMBER DANZINGER: Right. I'm not
12 about to get into a long diatribe on the injunction.

13 BRANCH MANAGER DE BIE: We can't really evaluate
14 whether or not -- because we're not the court. When we
15 look at the specific parameters outlined in the injunction
16 relative to how the site needs to be operated and then
17 look at the permit, we're seeing the correlations,
18 especially now with Item V in there.

19 In some regard, the LEA has determined through
20 their experience that the conditions they're layering in
21 the permit are as restrictive if not more restrictive than
22 the injunction requirements. So there are some
23 inconsistencies in what they're requiring and when they're
24 requiring certain things.

25 So for us to say whether or not the mandates in

1 the injunction are being carried out we can't really say
2 that.

3 COMMITTEE MEMBER DANZINGER: I know it's not to
4 us to make that finding. I guess my interest was are
5 there issues addressed in the injunction that are relevant
6 to a finding of State Minimum Standards?

7 BRANCH MANAGER DE BIE: The injunction -- it's
8 our understanding the injunction was focused primarily on
9 odors but also overlapped with dust. The State Minimum
10 Standard for odors is that the operator take actions to
11 minimize odors. And we are seeing current operations at
12 the facility that are entirely designed to do just that,
13 to minimize odors. But we don't have a threshold of
14 absolutely zero odors. It's continuously evolve your
15 operation to find better and improved ways to reduce the
16 odor impacts.

17 COMMITTEE MEMBER DANZINGER: So the requirement
18 isn't to make a finding that at some point in time they
19 started doing something that was designed to minimize odor
20 and the determination was made at some point, okay, this
21 is what they need to be doing and then later there's a
22 finding it has resolved the problem. I'm just trying to
23 make sure we're not being asked to render a decision today
24 based upon a presumption that what they're doing now to
25 control odors is actually going to solve the issue.

1 Because we will be giving them a permit to continue
2 operating and with what degree of knowledge that the
3 actions they're taking on site are resolving the odor
4 issues.

5 BRANCH MANAGER DE BIE: I think as the
6 presentation so far has indicated, there has been a marked
7 decrease in complaints and verified complaints at the
8 site. So those actions that the operator is taking place
9 in the recent past seem to be more effective than what
10 they had been doing previously.

11 And we see in the permit additional measures --
12 let me take that back. Not additional measures, but
13 greater clarity on what those measures should be, more
14 definition around them so that the LEA will be able to
15 verify whether the operator is actually doing what he's
16 expected to do and be able to opine on that so the
17 enforceability is higher.

18 Also, into the future we understand the operator
19 is potentially going to be coming back for an expanded
20 site. And so there will be potentially another
21 opportunity for the Board to look at a more current record
22 of compliance relative to a permit coming up for an
23 expanded site.

24 COMMITTEE MEMBER DANZINGER: We're in the
25 unenviable position of a facility with a spotty compliance

1 history, and we're thankful that they're actually going to
2 go for an increase and expansion in their operation so
3 that we'll have an opportunity to verify that the odor
4 control measures they're doing now are actually working.
5 I'm sorry, Mark.

6 BRANCH MANAGER DE BIE: No. You did a very good
7 job throwing my words right back at me.

8 COMMITTEE MEMBER DANZINGER: You've done it to
9 me. Why shouldn't I do it back?

10 BRANCH MANAGER DE BIE: My intent of sharing that
11 was that we'll have an opportunity to see how the new
12 improved permit functions with the LEA/operator
13 interaction with those expectations better defined and
14 then have an opportunity to address this sometime in the
15 future to say, yes, we confirm that this paradigm does
16 work or no it still needs more work. And so please be on
17 record you're not going to get this expansion potentially
18 until we see improvements. So that may be something we
19 look at in the future.

20 COMMITTEE MEMBER DANZINGER: I agree that's a
21 good thing.

22 I want to ask a question of the LEA if I can.

23 CHAIRPERSON MULÉ: If the LEA would come forward.
24 Good afternoon.

25 MR. STRICKLAND: Good afternoon, Committee

1 members. I'm Trey Strickland with Mendocino County.

2 COMMITTEE MEMBER DANZINGER: Hi there. How are
3 you doing?

4 MR. STRICKLAND: Fine.

5 COMMITTEE MEMBER DANZINGER: So you issue
6 compliance orders in late September '04 and late September
7 '06 to abate the odors.

8 MR. STRICKLAND: Correct.

9 COMMITTEE MEMBER DANZINGER: And in between
10 those, about a year and a half before the second
11 compliance order, is when the injunction was issued
12 January '05.

13 And so what the report says is that the operator
14 did stuff to reduce, you know, the odors and whereby he
15 came into compliance with these orders by the compliance
16 date.

17 So I guess my question is, if the injunction is still
18 outstanding and there's still odor related measures and
19 requirements in the injunction that remain to be
20 determined in a final sense, we have that being issued and
21 then a year-and-a-half later you issue a compliance order.
22 And since then at some point, I don't know when, you found
23 they were in compliance with your order issued in late
24 September '06.

25 So I'm just trying to figure out if the

1 injunction is still outstanding why you had set the bar
2 lower such that they met that bar sometime a year and a
3 half or two years after the injunction order but we still
4 got odor related issues in the junction order that are
5 outstanding.

6 MR. STRICKLAND: Well, when the injunction --
7 when the operator appealed the verdict against them, that
8 stayed the junction. So the operator was not complying
9 with the injunction in 2005. And because of the appeal,
10 there was no expectation from our point that he would be
11 in compliance with the injunction.

12 So the notice and order in 2006 was focused
13 towards the feed stocks that were -- and processes that
14 were generating the off-site odors, which at that time was
15 the grape pumace and PR windrows.

16 COMMITTEE MEMBER DANZINGER: So there's a
17 distinction between the substance of the compliance order
18 that you issued and the issues that the injunction order
19 issued?

20 MR. STRICKLAND: That's correct.

21 COMMITTEE MEMBER DANZINGER: Okay.

22 MR. STRICKLAND: The injunction I think attempted
23 to cover every aspect of the facility to minimize odors
24 and maybe specifically to minimize the potential for
25 anaerobic odors. The odor complaints that we had been

1 receiving are not anaerobic odors. They're the odors
2 generated by the composting process that because of the
3 time of year and the change in the weather and we have the
4 inversion layer that basically floats the layers down to
5 an off site receptor. So we were attempting to address
6 the two materials that we had been detecting odors from
7 off site.

8 COMMITTEE MEMBER DANZINGER: Okay. It still
9 strikes me as odd that, you know -- I'm trying to get an
10 idea of how relevant you think the injunction order is and
11 are those issues that you as LEA -- it's been stayed.
12 It's still out there though and still an issue. So I'm
13 trying to reconcile in my mind what your role as LEA is
14 with respect to that. Even if it's stayed, aren't those
15 still issues? Aren't some of the people complaining to
16 you and starting the suit? Aren't those a lot of the same
17 issues? And so isn't that a pathway to resolving it?

18 MR. HOHLWEIN: I'm going take a stab at this,
19 which is when the injunction was stayed, they were not
20 bound by those terms. And the complaint-driven process is
21 what kept things going. And the LEA was attempting to
22 deal with those and those alone.

23 The ones that are in the injunction are more
24 broad and more operationally succinct, and he didn't ever
25 specify those previously. He was just asking them to --

1 when they created odors to ramp up their operational
2 initiative to try and catch up to those. That's what
3 they're supposed to do with the odor mitigation measures.
4 They didn't do that sometimes as well as they could have.

5 So the injunction is a broader thing, and they
6 weren't bound by that until June. So in the mean time,
7 the LEA is struggling to keep up with the complaint
8 record, which is a more dynamic --

9 COMMITTEE MEMBER DANZINGER: But the facility is
10 bound by the injunction as of June '07, right?

11 MR. HOHLWEIN: Right. That's what our effort has
12 been lately, to make sure those are incorporated as much
13 as possible while still dealing with the dynamics we have
14 in front of us which is a site that is suited well and a
15 facility that is sited well in some ways. But in other
16 ways it's kind of an ongoing problem that we're going to
17 keep trying to deal with with these progressive
18 operational tactics.

19 COMMITTEE MEMBER DANZINGER: Okay.

20 BRANCH MANAGER DE BIE: Member Danzinger, a
21 little piece, too. I think it was Board staff's advice to
22 the LEA in the past relative to the injunction that until
23 that injunction was upheld and solid that certainly the
24 LEA could look at it for advice on what they might want to
25 encourage the operator to do to change their operations

1 through enforcement. But since the requirements in there
2 were still sort of being debated in the system, I think
3 staff has to advise the LEA to fully engage all those
4 things until there was some resolution to that issue. And
5 then when we did see resolution of the injunction, we
6 advised the LEA that that was nice solid guidance from the
7 court-appointed expert that should really be something the
8 LEA goes to and starts layering into their process. But
9 prior to that, I think our advise was it's a little
10 premature to pick those things out and require them
11 unilaterally.

12 COMMITTEE MEMBER DANZINGER: Okay.

13 CHAIRPERSON MULÉ: Board Member Peace.

14 COMMITTEE MEMBER PEACE: I guess if I was a
15 resident out there having to smell that I wouldn't have
16 thought it would have been premature to ask him to do some
17 of the things in the court order to alleviate those nine
18 violations of odors. And I would have thought the LEA
19 would have said, yeah, we have a problem here. Let's step
20 it up.

21 MR. STRICKLAND: Well, the court expert had been
22 working with us in preparing the injunction as well as
23 working with a consultant for the facility. And actually
24 it was a work in progress when the operator appealed the
25 judgment against them. So from my perspective, it didn't

1 seem like we ever reached the final draft of the
2 injunction. It was a work in progress that we stopped
3 working on once the appeal was stayed.

4 COMMITTEE MEMBER DANZINGER: My concern partly is
5 the timing. It's just like, you know, why is it coming so
6 quick. You know, I mean, as of June '07, the injunction
7 is back in play. And I'm just trying to figure out --
8 see, because our hands are a little tied. We make
9 findings on SMS. Okay. And you have a lot more
10 flexibility as an LEA.

11 I'm trying to figure out why you had reached a
12 comfort level in bringing this forward now with the
13 injunction back in play. And I know that for our purposes
14 they're not the same. And, you know, you had made a
15 finding that they had met the requirements of the previous
16 compliance order while the injunction was stayed and thus
17 those were not relevant issues. But it's back in play as
18 of June '07.

19 I'm just trying to figure out. I look at and it
20 I think I don't know that I have a comfort level moving
21 this forward to the Board just yet. Why don't we give it
22 a little more time, you know. Because again we don't have
23 the flexibility you do to be able to, okay, injunction is
24 back in play. Let's get some of these things squared away
25 so I can move this forward for a permit because these are

1 things that might trouble the members of the Board.

2 So I guess that's what -- I'm just curious what's
3 your thinking on the fact that the injunction is out
4 there. Those are issues that have to be addressed. And I
5 don't know for certain that ultimately any number of those
6 issues may be relevant to minimum standards at some point
7 depending on what is required and how everything has to be
8 played out.

9 Can you give me something that gives a really
10 clear sense of where your comfort level came from that
11 this permit is ready now with those outstanding issues
12 back in play? I hate to put you in the position of
13 basically defending the operator. Maybe the operator can
14 help answer that. But I'm looking for a level of
15 confidence here. I have it from my staff. There's no
16 doubt about that. They have it, and they made a solid
17 finding. But there's still issues.

18 MR. STRICKLAND: Well, the record shows the odor
19 complaints go back since before I was the LEA. And we've
20 been working with the operator and their consultants over
21 the years. We've been working closely with Waste Board
22 staff, Jeff Watson included. Working with the Water
23 Board, working with our local planning department. It's
24 been a process over years where we feel like we know how
25 to get the odor from grape pumace under control. The PR

1 windrows is the next thing. Probably I guess the second
2 priority of concern with odors. And the last two years
3 the operator has voluntarily reduced the number of PR
4 windrows during at least a portion of the odor season in
5 the fall. So over the years we feel like we've developed
6 effective ways at controlling the odors that are traveling
7 off site.

8 COMMITTEE MEMBER PEACE: I have a couple more
9 questions.

10 Reinhard, you mentioned that the facility was
11 cited well in some ways and not in others. What did you
12 mean by that? Could it be that it's not -- did you mean
13 it's not cited well because it's on top of a ridge?

14 MR. HOHLWEIN: I'm not sure anyone necessarily
15 could have predicted that the climate change that comes in
16 the fall, which brings the cooler air down from the ridge
17 towards the people that live below it, mixed with the
18 unknown waste types that were not predicted when the
19 permit was issued. In other words, maybe they would have
20 known that the wine industry produced a lot of waste at
21 that time of year and that combined with the climate
22 conditions it would end up being a problem. I don't think
23 anybody would have really predicted that.

24 So we find ourselves with a site that is well
25 cited for other reasons, but not for this particular set

1 of problems, which is that --

2 COMMITTEE MEMBER PEACE: Have they ever
3 considered not to allow some of those certain waste types?

4 MR. HOHLWEIN: I have asked him that question,
5 would you consider not taking that waste, and he said, no,
6 he would not. And I asked him that in the sense that this
7 would resolve an incredible amounts of problems if he
8 would consider changing what he considers a vital part of
9 his recipe. And that's what he does, and I can't tell him
10 that he cannot do that. I can only deal with the problems
11 as they come up.

12 And I can say that the LEA has -- I've never seen
13 anybody work so hard on trying to keep up with a site.
14 I've never seen anybody that had -- or an office that had
15 a facility that took up so much of their time. We're
16 talking about considerably more than 50 percent of their
17 time trying to cope with this. They have made the effort,
18 and we will be back with another permit revision in the
19 future if things go forward as people would prefer. But
20 we still continue to deal with this particular set of
21 problems, which is that the descending air, which is
22 peculiar to the site, brings the odors to the receptors
23 that exist today.

24 COMMITTEE MEMBER PEACE: If this particular waste
25 type continues to be a problem, is there any way that the

1 LEA or we say you can't take that waste type?

2 MR. HOHLWEIN: I can't say.

3 BOARD MEMBER CHESBRO: Madam Chair.

4 CHAIRPERSON MULÉ: Yes.

5 BOARD MEMBER CHESBRO: I'm not a member of the
6 Committee. I was going to listen and learn for the full
7 Board discussion, but I'm hearing the discussion about the
8 odor migrating off site. But the fact is that it's being
9 managed in a way that has an odor. And are there not
10 pumace composting facilities in wine country that have
11 learned to not have an odor or --

12 MR. HOHLWEIN: That's a good question.

13 BOARD MEMBER CHESBRO: The one that comes to mind
14 is in the Napa Valley. And admittedly, I was here in on
15 the Board in the early 90s when he had a real problem. So
16 it's not as though there isn't a potential problem. But
17 there also are techniques.

18 I don't think it's the feedstock itself. It has
19 some probably I assume some special issues that need to be
20 managed. And there has to be techniques developed to
21 manage that. But the fact is that we have some
22 outstanding examples both in the San Joaquin Valley and in
23 the Napa Valley of grape pumace being composted. And it's
24 a very important waste to manage for agriculture and for
25 AB 939 diversion purposes. So I think talking about the

1 migration of the odor takes away from the question of why
2 does it smell.

3 CHAIRPERSON MULÉ: Right. Good point.

4 COMMITTEE MEMBER PEACE: I think you were saying
5 a lot the odor is because maybe of the weather in that
6 particular low -- climatic conditions in that particular
7 spot. So maybe that particular -- their particular spot,
8 Cold Creek, isn't situated in the best place to be
9 composting that kind of -- so that's what I was asking.
10 Maybe it's the waste type and it's just not going to work
11 there. Or if they continue to do all the things that
12 we've set out, is that going to solve the problem?

13 MR. STRICKLAND: Well, I think over the last few
14 years the protocol that's been put in place to manage the
15 grape pumace has been effective at minimizing the odors.
16 It's now required to be covered by the end of the day
17 regardless of when it's received. Sometimes it's received
18 after hours. And when pathogen windrows are being built,
19 it's required to be placed on the bottom. So it's not
20 left uncovered, the grape pumace, oversight.

21 So theoretically any given night the grape pumace
22 is going to be completely covered. And that's been really
23 effective over the last few years at minimizing the odors
24 from grape pumace. In fact, we didn't know we were
25 getting odors from PR windrows off site until the odors

1 from the grape pumace were managed. And we realized there
2 were other odors there that were being masked or covered
3 by the grape pumace.

4 COMMITTEE MEMBER PEACE: Going back to something
5 that Jeff raised about the inconsistencies in specific
6 parameters. There was one here like in P where it says
7 they'll maintain a moisture content between 40 and 60
8 percent. Now the court order says approximately 45 to 65.
9 Is that going to create some sort of inconsistency, or do
10 you think it should match --

11 MR. STRICKLAND: You know, theoretically it seems
12 like it should match. The 40 to 60 percent was in the
13 original permit was originally going to be -- it was in
14 the draft EIR, not in the final EIR. It was in the
15 facility original RCSI 40 to 60 percent. Jeff Watson had
16 indicated that was the optimal range.

17 COMMITTEE MEMBER PEACE: It sounds like the --

18 CHAIRPERSON MULÉ: The court injunction --

19 COMMITTEE MEMBER PEACE: Expert said --

20 MR. STRICKLAND: She probably looked in a
21 different text book that referenced a slightly different
22 optimal range. I'm not a composting expert, but I don't
23 think there's a significant difference between those two
24 ranges.

25 CHAIRPERSON MULÉ: Well, I guess my question, if

1 I can, Board Member Peace, is not only with the -- there's
2 several items in the injunction that were brought up in
3 the February 7th letter to us from Conner Stevens. And
4 there's several issues: The size of the windrows, the
5 moisture content, and then the grape pumace piles. So
6 basically what you're saying -- what I'm hearing staff say
7 and you is that you did your best to address those in the
8 permit.

9 And so what I did was I went through the old
10 permit. I went through the revised permit that you gave
11 us on Thursday or Friday, whenever it was, but there still
12 are -- even though you added item V, there's still are
13 those inconsistencies. And I think that's what Board
14 Member Danzinger was referring to earlier, i.e., on the
15 moisture content. You know, at one point you're saying
16 you're going to adhere to the injunction. And then on
17 letter P of the permit under EA conditions, you know,
18 you're saying that the moisture content will be between 40
19 and 60 percent. So which is it?

20 And I think that's where we're having some
21 discomfort with that, because we're not really sure if
22 these things are in fact covered with the permit. At
23 least this Board member is not sure by the way the permit
24 is currently written.

25 COMMITTEE MEMBER DANZINGER: There was one other

1 that I had seen just as another example. And maybe it is
2 in there somewhere else. But I noticed that the grape
3 pumace it's just referenced in the permit that it should
4 remain completely covered. I know it's in the injunction
5 actually identifies the thickness of the cover. I don't
6 know. Maybe that's already covered. But I know the
7 injunction specially lays out six inches. So that may not
8 be an issue for us in terms of our finding. But I didn't
9 know again is that something also that's not reflected in
10 what you're directing the operator to do.

11 CHAIRPERSON MULÉ: Now again going back to that
12 though, the grape pumace piles, it says a minimum six inch
13 layer of finished compost or other bulky agent. When I go
14 to the permit, that item J does add the various cover
15 materials options. It clearly indicates that you added
16 that to the permit, which is good. But again the amount
17 of cover isn't specified. And I think that's, you know,
18 one of the questions that we have. Does that need to be
19 included in the permit?

20 MR. STRICKLAND: Well, when given the choice the
21 past two years, the operator has chosen to use tarps
22 instead of ground material or bulking agent to cover the
23 grape pumace. So when I was writing the permit, I was
24 thinking his preference was to tarp and didn't give a
25 minimum thickness for the other cover. But if he does

1 choose to cover with the bulking agent instead of tarps,
2 he could be bound by condition V, which directs him to
3 comply with the injunction and then the six inch cover
4 would be required.

5 CHAIRPERSON MULÉ: Okay. But then again if you
6 go back to item P where they have the 40/60 on the
7 moisture content and then item V refers you back to the
8 injunction which is 45/65, again that's where I'm having
9 some trouble with deciphering what exactly does this
10 permit require.

11 COMMITTEE MEMBER PEACE: It seems like for less
12 confusion they would match. They should match.

13 MR. STRICKLAND: I agree they should match.

14 COMMITTEE MEMBER PEACE: So you can change that
15 to say between 45 to 65 percent and that wouldn't be a
16 problem?

17 MR. STRICKLAND: Wouldn't be a problem for me at
18 all.

19 CHAIRPERSON MULÉ: Michael.

20 STAFF COUNSEL BLEDSOE: Madam Chair, Michael
21 Bledsoe from the legal office.

22 I think we could fix this problem that you've
23 identified by specifying either in the event of
24 inconsistencies the injunction will control or in the
25 event of inconsistencies the other provisions of the

1 permit will control.

2 CHAIRPERSON MULÉ: That would be helpful.

3 Because it is confusing. I mean, trust me, we've all
4 spent a lot of time as staff has on reading through this
5 permit and trying to figure out how this can work. So
6 that would be very helpful, Michael, if we can do that and
7 we can bring it back to the full Board next week for
8 consideration.

9 The other thing that I want to add is that
10 something else that would have me support this permit
11 would be if our staff would work with the LEA and
12 accompany them on the inspections for at least the first
13 six months following the concurrence of this permit.

14 And also I would like staff to report back to the
15 Board on a quarterly basis on how they are doing with
16 their progress in reducing odors. Because this problem
17 has gone on long enough. We are seeing some improvement,
18 but we need to be assured that we're making the right
19 decision here.

20 MR. STRICKLAND: And we would be happy --

21 CHAIRPERSON MULÉ: That's another condition I'd
22 like to have.

23 MR. STRICKLAND: -- Reinhard or any other staff
24 out any time.

25 CHAIRPERSON MULÉ: I'm requiring with concurrence

1 of my Committee members that staff accompany you on those
2 monthly inspections for at least the first six months so
3 we all have a better comfort level that things are moving
4 in the right direction.

5 COMMITTEE MEMBER DANZINGER: I think that's a
6 good idea.

7 COMMITTEE MEMBER PEACE: That's a great idea.
8 Thank you, Madam Chair.

9 And in that same kind of regard there, odor I
10 guess really is subjective, especially when you're saying
11 you're only going to do something if there's moderate
12 odor. Who's to say whether it's moderate odor. And then
13 you go out there and it's determined by a sniff test. I
14 mean, it's all kind of subjective.

15 And especially if you're somebody working at the
16 composting facility, I don't think you're as aware of the
17 odors as if you're someone off site. And I heard Jane say
18 that the facility doesn't get the complaints that the LEA
19 does. They don't get them.

20 And then I was reading through some of the
21 letters that we got from the community. And one woman
22 says, "For nearly eight years I was treated by the county
23 staff like I was a crazy person when I called to complain
24 about the stench."

25 I'm just wondering how is it that we can make

1 sure that we get those complaints -- and I know we had
2 this happen with Hinkley. Didn't they set up some sort of
3 a hot line, or does somebody have some sort of a hot line
4 set up for complaints?

5 And then when I look at page 3 of the permit, it
6 says all copies of written complaints regarding the
7 facilities and operators' actions what they do to resolve
8 these actions. And those are kept on site and available
9 as requested by the LEA. There's nothing that says
10 they're going to address complaints that are made by phone
11 call. Do you only address the complaints from a written
12 letter?

13 MR. STRICKLAND: No. Historically odor
14 complaints against a facility haven't been communicated
15 from the reporting party to the operator. They have been
16 reported to the LEA. And then I've gone and investigated
17 the complaint, made the determination, and notified --

18 COMMITTEE MEMBER PEACE: Do you do that only when
19 there's something written?

20 MR. STRICKLAND: No. There's some neighbors that
21 have my pager number. They'll page me in the evening and
22 I'll leave home and respond to the complaint.

23 COMMITTEE MEMBER PEACE: So you don't think any
24 of the neighbors call the facility? Because here it says
25 all the copies of written complaints will be kept on site.

1 MR. STRICKLAND: If they receive complaints.

2 COMMITTEE MEMBER PEACE: How about if they
3 receive a phone call?

4 MR. STRICKLAND: If they receive a phone call,
5 I'm sure they would consider that just as any other
6 complaint.

7 COMMITTEE MEMBER PEACE: I'm wondering if we can
8 make that more specific in the permit and say copies of
9 all written complaints as well as a log of all phoned-in
10 complaints will be kept at the facility.

11 MS. VERES: I just thought I might be able to
12 help answer.

13 We have an appendix in the RCSI, which is a very
14 detailed complaints handling procedure. We put that in
15 place over the summer. The idea is that when Trey gets
16 any kind of response or any kind of call or contact from
17 the public, he goes out. We also have enlisted the help
18 of one of the neighbors to go along with him for the
19 reasons that you say. That if the operator was to go or
20 someone from the site, it's more difficult when you're
21 used to the smell to go assess it. So we have a neighbor
22 involved now as well. We've put together a whole protocol
23 for them to actually document what they smell. It doesn't
24 matter whether slight or moderate or strong odor.

25 In order for it to be deemed a verified complaint

1 because it's an agricultural area, it's required to be a
2 strong odor. And that's the determination that Trey
3 makes.

4 Once we receive notification of the complaint
5 from Trey, then we have a protocol hopefully where we can
6 contact the neighbor. And to some extent that's a
7 relationship we're trying to re-build because obviously
8 the neighbors have been unhappy. And that's potentially
9 why we don't receive the calls direct from them.

10 But if refer to the appendix, it doesn't specify
11 whether it's any complaint at any level. We want to try
12 to respond to it and use the information if we can. If
13 there's enough information, maybe we can discern a pattern
14 that can help us improve the operation. So I forget which
15 letter -- there's quite a few appendices. I think it's H
16 maybe.

17 CHAIRPERSON MULÉ: Why don't we do this. I think
18 there's a number of changes that the Committee is
19 requesting. So, Michael, you made a great suggestion on
20 reconciling the permit terms along with the injunction
21 provisions along with our concurrence to have our staff
22 accompany you on at least for six months of monthly
23 inspections and report back to us quarterly. So why don't
24 we incorporate those changes between now and the Board
25 meeting if that's okay. And we'll hear this at the full

1 Board. Does that work?

2 MR. STRICKLAND: Works for me.

3 CHAIRPERSON MULÉ: Thank you to the operator for
4 being here.

5 Staff, are you okay with that?

6 DEPUTY DIRECTOR RAUH: Yes. We'll bring it back
7 to the full Board.

8 And I just wanted to make a very quick comment
9 about the additional inspections just to keep in mind in
10 front of all of us that we have a series of additional
11 inspections per the strategic directives. This clearly
12 would fall in that category.

13 CHAIRPERSON MULÉ: This would be a primary
14 candidate for that.

15 DEPUTY DIRECTOR RAUH: And we are anticipating
16 inspections associated with ADC review and just to keep
17 that in mind.

18 MS. CANNATA: I'm attorney the representing --

19 CHAIRPERSON MULÉ: Excuse me. You need to come
20 to the microphone and you do need to state your name for
21 the record.

22 MS. CANNATA: My name is Therese Cannata. I
23 represent Cold Creek Composting. I've been working with
24 Cold Creek probably we were engaged about three months
25 after the injunction was made final by the court. It was

1 made final in January of '05 and I became involved in
2 April of '05.

3 I want to make clear a couple of chronology
4 points I think will be very helpful as the Board considers
5 how to reconcile and deal with a facility that has an
6 injunction in place while we're also trying to look at a
7 permit that addresses the facility over the long term.
8 Because I understand that's a difficult sort of moving
9 parts to make work.

10 And here's what I want to make you understand the
11 goals we had coming out of that.

12 Number one, we knew we had to file an appeal and
13 we also had to respond to an appeal. On the time line
14 it's very important to understand that the lawsuit was
15 commenced by the five plaintiffs and the PC and
16 Association, which is the five plaintiffs, in 1998. That
17 was after that. And that was also private nuisance
18 action. So it was really a little bit before that.

19 The complaints seemed to go up and down a little
20 bit with the litigation. And mediation was tried, things
21 of that nature. And it was a little bit like sorting the
22 real from the unreal. And we've done as much as we can to
23 do it. There was sometimes very clear that some
24 complaints were geared toward the political or, if you
25 will, to court process.

1 CHAIRPERSON MULÉ: We're familiar with that.

2 MS. CANNATA: And other complaints might have
3 been very significant that the facility had to pay a lot
4 of attention to, such as the grape pumace and the weather
5 conditions all that. So coming out of all that in 2005 we
6 had -- even though the injunction was stayed, the prime
7 directive of the facility was to make sure that we
8 implemented immediately ways in which do reduce odor to
9 get to the point that I think we got in 2007 of finding a
10 way to get those complaints down to -- and I believe it
11 was one or two verified complaints in 2007 and that was
12 the big push.

13 When we got the order in June '06 that we were
14 also in addition to those other efforts -- and we were
15 working, by the way, with consultants, odor experts as
16 much as we could, when we got the word the injunction was
17 going to be final, we were also in the middle of this
18 permitting process. And what we're worried about --
19 obviously we don't want to do anything at that facility
20 that can bring those odors and back up. We are so proud
21 and happy that 2007 happened we don't want to go back to
22 2004. That was a tough time. So that's the delicate
23 walk.

24 And that's why if the Board is wondering why
25 didn't we go through the checklist of the injunction, we

1 were meeting with I believe Jeff Watson of the Board and
2 the expert and others saying, okay, this injunction has to
3 be carefully adapted to this facility. Because if you do
4 some things in that injunction, we can get to the
5 anaerobic conditions again, back to the odors. And quite
6 frankly, if someone says I complied with the injunction
7 but I had odors, I can guarantee you it would be not
8 heard. They would be saying but you have odors. But we
9 would say but we complied with the injunction.

10 We don't want to get caught between a rock and a
11 hard place. We want to make sure no odors. And we want
12 to make sure we have all of our ducks in a row in terms of
13 the court system and this Board and the Waste Management
14 Board's statutory compliance. It's a very delicate walk,
15 but I want to make sure you know how very committed we've
16 been to the process and how much resources we put in with
17 a team of experts at every angle to try to deal with this.

18 CHAIRPERSON MULÉ: Well, we certainly understand
19 the complexities and the technical aspects of all of this
20 as well. And we don't want you to go back to 2004.

21 MS. CANNATA: We never want to do that.

22 CHAIRPERSON MULÉ: So again, that's why we need
23 to have that comfort level of knowing that everything that
24 we could do we are doing. Everything that you can do you
25 are doing. Everything the LEA could be doing they are

1 doing as well. And that's all we're trying to achieve.

2 MS. CANNATA: We are 100 percent behind that.

3 And we want to get to that point where we can have 2008

4 also be without or very, very few complaints.

5 CHAIRPERSON MULÉ: Thank you very much for being

6 here.

7 Board Member Danzinger.

8 COMMITTEE MEMBER DANZINGER: Quick thanks, Mark,

9 Reinhard. Very difficult issue.

10 And part of the passion behind this is there were

11 complaints about odors. Well, the larger issue is the

12 fragility of the composting industry, which is absolutely

13 under siege. And everybody has a responsibility in that.

14 We have a responsibility to be a vigorous advocate for a

15 class of facilities that does this. But they have a lot

16 of challenges, you know. I mean, they're having trouble

17 competing in So. Cal because of low tipping fees and

18 elsewhere because of market dynamics may not be in place.

19 But one of the obligations that compost operators

20 has is to put out a good product and run their facilities

21 well so they don't undermine the credibility of the

22 industry. So when I get a composting operation that's

23 sort of behind the eight ball and trying to catch up, it

24 has a little bit more of an impact than maybe another type

25 of facility. Because it's an industry we want to see

1 succeed. I want this facility to succeed. I'm confident
2 we can do it. It's been going on for a long time and we
3 need to make progress and move it into full compliance.

4 BOARD MEMBER CHESBRO: Jeff put it very, very
5 well so I'll be very brief.

6 CHAIRPERSON MULÉ: I was going say ditto.

7 BOARD MEMBER CHESBRO: I want to echo his remarks
8 and say that I know from knowing the communities in this
9 area very well how important this facility is for a number
10 of feed stocks that need to be recycled. But on the other
11 hand, we sit through this siting and permitting hearings
12 and it was so difficult to site compost because of the
13 reputation it can't be done in a way that's compatible
14 with neighbors. So we have the dichotomy -- and in a way
15 we're promoting compost both ways both by supporting the
16 production of compost, but also regulating it in a way to
17 make sure it's done right so we don't have opposition in
18 the future of citing of additional facilities.

19 CHAIRPERSON MULÉ: We want everybody to be
20 successful. That's it. We want this industry to grow and
21 be successful. And so that's why we're expressing our
22 concerns and I think we're --

23 MS. CANNATA: I just have one small point, and I
24 want to make sure it's clear. I wanted you to understand
25 we were not sitting on our hands between 2005 --

1 CHAIRPERSON MULÉ: I think you stated that
2 earlier. Thank you very much.

3 Our next item is Committee Item C.

4 DEPUTY DIRECTOR RAUH: Thank you, Chair Mulé.

5 Item C is Consideration of a New Full Solid Waste
6 Facilities Permit Covering Large Volume Construction and
7 Demolition as well as Inert Debris Processing for
8 Construction and Demolition Recycling of Los Angeles
9 County.

10 The permit as initially proposed contained
11 provisions that could have caused the LEA to be
12 responsible for enforcement of local land use
13 requirements. This is counter to Board policy and
14 regulation. And staff has worked with the LEA to remove
15 those requirements so that the permit before you today is
16 consistent with both the Board policy and regulation.

17 Here to present the item for your consideration
18 is William Marciniak.

19 MR. MARCINIAK: Good afternoon, Madam Chair and
20 Board members.

21 The construction/demolition facility is located
22 in the city of South Gate in Los Angeles County. It is
23 operated by Interior Removal Specialists, Incorporated.

24 The proposed new full solid waste facility permit
25 will allow for the following: The receipt, processing,

1 and removal of materials and waste 24 hours per day, seven
2 days per week; a permitted area of seven acres; and a
3 maximum permitted tonnage of 3,000 tons per day.

4 The operator intends to develop the facility in
5 phases. Phase 1 will be up to 500 tons per day. Phase 2
6 will be up to 1500 tons per day. And Phase 3 will result
7 in full capacity of 3,000 tons per day. This will allow
8 the addition of the equipment and personnel as necessary
9 to process the daily tonnage received.

10 Included in the solid waste facility permit is
11 the requirement that each phase is limited to its
12 specified tonnage as indicated in the RFI. This is to
13 ensure that the design is adequate prior to acceptance of
14 an increase in volume. Only source-separated
15 construction, demolition, and inert debris will be
16 accepted at the facility. The operator will not receive
17 mixed municipal solid waste.

18 Twenty-four hour per day operations are necessary
19 because the operator conducts tenant improvement
20 demolition activities typically 24 hours a day with the
21 majority of the work being done during non-business hours.
22 The facility therefore must be open for IRS workers and
23 trucks 24 hours a day.

24 The LEA has certified that the application
25 package is complete and correct and the reported facility

1 information meets the requirements of the California Code
2 of Regulations and the LEA has determined that the permit
3 is consistent with and supported by existing California
4 environmental quality economic analysis.

5 The Board staff have reviewed the proposed permit
6 and supporting documentation and found them to be
7 acceptable.

8 In conclusion, Board staff recommends Option 1
9 that the Board 2008-26 for Solid Waste Facility Permit
10 Number 19-AA-1077.

11 Pete Oda of the LEA and Richard Ludt, and Carlos
12 Herrera and myself are available to answer any questions
13 you may have. Also it's staff's understanding the county
14 LEA would like to address the Board.

15 CHAIRPERSON MULÉ: Thank you, Bill.

16 Richard, why don't you come up or Pete. Sorry,
17 Pete. Come on up.

18 MR. ODA: My name is Pete Oda. I'm with the L.A.
19 County LEA. Madam Chair, Board members and Board staff, I
20 don't know if this is usually a thing that the LEA does,
21 but I'd like to take this opportunity to credit this
22 company that is at the forefront of CDI recycling.

23 Mr. Carlos Herrera, who is the owner of the
24 company, started as a young man working for a company that
25 demoed buildings and recycled many of the materials, such

1 as copper wire and metals. Mr. Herrera saw a vision that
2 he too would open a business called recycling. He takes
3 perfectly used furniture and donates this furniture, these
4 items, to whomever needs them. For example, churches,
5 nonprofit organizations, and to cities throughout L.A.
6 County.

7 Because of his dedication and commitment to the
8 industry, he has received WRAP awards ranging from 2001
9 through 2007. And some of the awards that were given --
10 in 2005, they received the Governor's Economic and
11 Environmental Award. 2006, they received the WRAP award
12 of the year. And that is something that this company
13 takes pride in. Also in 2006 they received a SWANA gold
14 metal award for recycling. Also in 2006, the SWANA silver
15 metal for special waste. And finally, in 2007, they
16 received the innovation award from the international solid
17 waste association.

18 So I think this operator is a model for the CDI
19 industry for recycling. I think they've shown throughout
20 years and years from 2001 until now that they are a good
21 operator and we need more companies like this.

22 So that's my presentation. Thank you.

23 CHAIRPERSON MULÉ: Thanks, Pete.

24 I just -- any questions for staff or for operator
25 Mr. Oda? Questions? No.

1 Board Member Peace.

2 COMMITTEE MEMBER PEACE: I know what you're
3 saying. I have been to the facility. I know it is a very
4 well run facility. But I still have to ask these
5 questions.

6 One, I noticed that there's no traffic count in
7 here. I know that's at the option of the LEA. I have to
8 tell you I don't like that. I like seeing a traffic
9 count.

10 But when you're saying there's a 17 times
11 increase in all the traffic that goes along with that, a
12 neg dec was adequate in figuring -- just a neg dec was
13 adequate for a 17 times increase? It's going to
14 increase their --

15 CHAIRPERSON MULÉ: The operator wants to come up
16 and answer that question. State your name for the record,
17 please.

18 MR. LUDT: My name is Richard Ludt with the IRS
19 demo with Interior Removal Specialists.

20 We did do a traffic survey. That was a
21 contingency of our conditional use permit with the city of
22 South Gate. We were not able to get the CUP without the
23 traffic survey and prove we were not going to have major
24 impact on the roads.

25 Most of the incoming traffic we are looking at is

1 going to be off hours. We're providing incentives for
2 trucks to come in off hours to bring it in. But that was
3 the major concern of the city of South Gate before a CUP
4 came in. That item was addressed.

5 COMMITTEE MEMBER PEACE: When you talk about off
6 hours, I guess you said there's a residential area that's
7 about a thousand feet away, do you know how going from 174
8 tons to 3,000 tons a day and operating 24-7, do you have
9 any idea how it's going to affect the neighbors?

10 MR. LUDT: Honestly, I don't see a huge effect.
11 We're operating 24 hours a day now for the most part. The
12 operation itself isn't changing. The noise is not going
13 to be significantly different. The dust issues are not
14 going to be significantly different because of the design
15 we have at the facility.

16 Our facility is located about a quarter of a mile
17 off of the freeway. All of the traffic that is coming in
18 and then leaving the facility is on the off side of any
19 residential. So it's basically right off the 710 freeway
20 at Firestone. That's the major impact area. But the
21 residential streets and everything in the surrounding
22 areas is predominantly unaffected by the traffic counts.

23 COMMITTEE MEMBER PEACE: I just have one more
24 question. It says you're changing the name of the
25 facility from IRS to Construction and Demolition

1 Recycling. I was just wondering, do we know how the
2 facility is listed in the NDFE?

3 MR. LUDT: At the moment it is listed as IRS. I
4 questioned them when our renewal came up how easy it was
5 to change that. They said it was fairly simple to change
6 the name in that.

7 We didn't want to change the name until such
8 point as we actually had the facility open. And the
9 predominant reason for changing the name is the increased
10 feedstock that we're looking to bring in is coming from
11 our competitors in the demolition industry. And they're
12 not going to want an IRS box in the loading dock when
13 they're doing the demo. So by changing the name, we'll
14 have a different name on the boxes, and that makes it a
15 little easier for them to swallow.

16 COMMITTEE MEMBER DANZINGER: Nobody likes getting
17 anything titled IRS.

18 COMMITTEE MEMBER PEACE: So I'm one of those
19 sticklers I like things to match up. And I realize your
20 site location and everything is specified in the NDFE.
21 But I'd like names to match up too. At what point do you
22 let them know your name is changing so they can make that
23 change?

24 MR. LUDT: As soon as we find out the permit goes
25 through and we actually open our doors to the public.

1 Until then, we thought it was premature.

2 COMMITTEE MEMBER PEACE: Okay. Thank you.

3 CHAIRPERSON MULÉ: Okay. I just have no
4 questions. Well, actually I do have one question.

5 Going to 3,000 tons a day -- I've been to your
6 site a couple times, as you know, Richard. And I really
7 do applaud what you're doing there, Carlos. You're really
8 implementing our hierarchy by not only recycling, but
9 going to that second R, as I call it, the reuse. And it's
10 really critical. And again I applaud you for all of your
11 efforts.

12 I guess my question is just general in terms of
13 going to 3,000 tons a day. I'm assuming that you are
14 going to undergo some reconfiguration at your property and
15 additional equipment. So if you can just briefly address
16 that so everyone can understand.

17 MR. LUDT: At the moment we have a very small
18 portable sort line that we plan on operating for the first
19 year to 18 months of operation. The reason for that is at
20 the moment we do strictly interior high-rise demolition.
21 And we are very well versed in that waste stream. But
22 when we open our doors to the public, we lose control of
23 our waste stream for the first time in our operation. And
24 that's a little frightening.

25 So what we're planning on doing is operating this

1 portable sort line for the first year to 18 months. It
2 will easily handle in two shifts the tonnage we're talking
3 about. We will take that time to do a full waste
4 characterization of what we actually see once the public
5 starts bringing things in. At that point, we are going to
6 be designing about a two million dollar fully automated
7 sort line to handle the additional materials. But we
8 didn't want to embark upon that before we actually knew
9 what we were seeing.

10 CHAIRPERSON MULÉ: Thanks a lot for being here.
11 Thank you, Pete, for coming up.

12 Do I have a motion?

13 COMMITTEE MEMBER PEACE: I'd like to move
14 Resolution 2008-26.

15 COMMITTEE MEMBER DANZINGER: Second.

16 CHAIRPERSON MULÉ: It was moved by Member Peace,
17 seconded by Member Danzinger.

18 Donnell, could you call the roll, please?

19 SECRETARY DUCLO: Danzinger?

20 COMMITTEE MEMBER DANZINGER: Aye.

21 SECRETARY DUCLO: Peace?

22 COMMITTEE MEMBER PEACE: Aye.

23 SECRETARY DUCLO: Chair Mulé?

24 CHAIRPERSON MULÉ: Aye.

25 We will put that item on consent.

1 And let's move to Committee Item D, Board Agenda
2 Item 3.

3 DEPUTY DIRECTOR RAUH: Yes, Chair Mulé. Item 3,
4 d, is Consideration of a Revised Full Solid Waste Disposal
5 Facility Permit for the Niland Solid Waste Site Located in
6 Imperial County. Operator error caused this facility to
7 exceed he permitted height limit and has been incurring
8 violations resulting from this mistake. The LEA took
9 enforcement. And the permit before you will bring the
10 facility back into compliance.

11 Here to present the item is Dianne Ohiosumua.

12 MS. OHIOSUMUA: Good afternoon.

13 Prior to beginning the briefing, I would like to
14 bring it to your attention there was a typo on page 3 of
15 the agenda item under the key issue header, the third
16 bullet in the first sentence. It should be 2001 instead
17 of 1991. Board staff will correct this item prior to the
18 Board meeting.

19 The proposed permit will allow the following: To
20 increase the maximum elevation, the closure date, traffic,
21 capacity, and to increase the daily tonnage on community
22 cleanup days.

23 Board staff has made all the required findings
24 except the finding that the site is in compliance with all
25 the State Minimum Standards because the amendment of the

1 report of disposal site information, the joint technical
2 document. However, if the proposed permit is issued, the
3 site will be in compliance with all the State Minimum
4 Standards.

5 Board staff finds that the LEA has made all the
6 necessary findings relative to the permit. Board staff
7 recommends that the Board adopt Solid Waste Facility
8 Permit Decision Number 2008-27 concurring with the
9 issuance of Solid Waste Facility Permit Number 13-AA-009.

10 The operator is here as well as the LEA, and we
11 are here to answer any questions that you may have. This
12 concludes staff's presentation.

13 CHAIRPERSON MULÉ: Thank you, Dianne.

14 Do we have any questions for staff or the
15 operator and LEA? If the operator could come to the
16 microphone, we have a question. Please state your name
17 for the record.

18 MR. BRUNET: William Brunet, Director of Public
19 Works, Imperial County, operator of the site.

20 COMMITTEE MEMBER PEACE: According to the permit,
21 you've got 38 years. You're changing the closure date.
22 That's 38 years. Okay. So you have 38 years to reach
23 84 -- eight feet more, it's going to take you 30 years.
24 You're asking for -- you're already at ten feet over what
25 you're supposed to have. You're already at 76. So you

1 only have eight more feet to go. But you put in your
2 closure date at 2046. So you think it's going to take you
3 38 years to get eight more feet?

4 MR. BRUNET: Well, it might. It might not. It
5 depends at the rate of what our county grows for landfill
6 disposal. Our population has been growing approximately 3
7 percent per year. We might close this landfill earlier.

8 This landfill currently serves the northeast
9 portion of the county. And if we do close, we'd have to
10 figure out where we're going to put this waste and other
11 portions of our other landfills.

12 COMMITTEE MEMBER PEACE: It could take you 38
13 years to go up eight feet. But you're already over eight
14 feet from what you're supposed to be. How long did it
15 take you to get those --

16 MR. BRUNET: We're only over eight feet in one
17 corner, the southwest corner of the landfill. From the
18 past practices, they've made an error in the placement of
19 the waste. And they didn't discover this until 2006 when
20 they did the aerial for the over flight. By doing this,
21 we increase it the eight feet, that increases the overall
22 capacity of the landfill. And the estimates are that it
23 would take to 2046.

24 But now if you look in this permit up in the
25 front, the original closure date is 2020 based on

1 estimates they made in 2001. But now that we've tracked
2 our data since then, I think the estimated closure date is
3 almost 2008. So they missed that by a little bit.

4 So like I said before, if our population
5 increases in the county, we take -- we're looking at other
6 long range issues where we can place our waste, we would
7 probably close this landfill earlier if we can find
8 adequate places to put our solid waste.

9 But like I said, this particular landfill
10 services 400 square miles in the county. So we're trying
11 to -- the purpose behind our landfills is to keep people
12 not having to travel long distances so they can dispose of
13 their waste. You're asking me to make a projection here
14 that I'm not qualified --

15 COMMITTEE MEMBER PEACE: If it's going to take 38
16 years to go up eight feet, but you're already ten feet
17 over what you were supposed to be -- so obviously it took
18 many years to get over your permit limit. I'm just
19 wondering how come it took so long to catch it.

20 MR. BRUNET: Well, I can't answer that one. I've
21 only been at this position for 21 months. This
22 particular -- they did their last over fly in '94. And
23 then they did one in 2006. That's when they caught it.

24 I think part of the reason is their past
25 practices that for doing the controlled placement of their

1 waste has been an error. That's something we're
2 rectifying now. We're getting better control how we place
3 our waste. I think we've had a philosophical change down
4 there how we operate our landfills. And we're trying to
5 improve on the past mistakes.

6 COMMITTEE MEMBER PEACE: So your excuse for
7 going -- having unauthorized vertical expansion was the
8 infrequent flyovers and poor communication? So I'm just
9 wondering what was your excuse for all the other
10 violations like the intermediate cover violations, the
11 grading violations, the site security violations?
12 Are you addressing all of those?

13 I realize this is rural and it's small, but we
14 still want to be sure we protect the environment and the
15 public. How are you addressing all those other violations
16 you had?

17 MR. BRUNET: We have addressed them. As soon as
18 they become apparent, we've addressed them. The LEA comes
19 out and does our inspection once a month.

20 Like I said before, I think we're trying to
21 change the culture down there. The philosophies of how
22 they've operated their landfills down there. And I think
23 we've had a vast improvement in the last two years.

24 I'm hoping that does satisfy you. We are trying
25 to make inroads into the way the landfills are operated.

1 CHAIRPERSON MULÉ: Lars, could you state your
2 name for the record, please?

3 MR. SEIFERT: My name is Lars Seifert. I'm with
4 the LEA for Imperial County.

5 I just wanted to quickly also provide some
6 additional information to Board Member Peace regarding the
7 initial question on the site life capacity.

8 The actual what is stated on the permit, the
9 estimated closure date of 2008 and the remaining capacity
10 is a little different from what was submitted by the
11 consultant when they did the remaining capacity
12 estimations in 2006 for the five-year permit review.

13 Actually, the remaining capacity estimate at that
14 time put an estimated closure date at 2020. So this
15 increase actually goes from 2020 to 2046.

16 In addition, in relation to the expansion figures
17 that you are provided, they were actually over the lower
18 part of the final grading elevations at the site. And so
19 actually only at the western end of the main deck were
20 they over. It was the lowest portion of the site. And
21 they were mainly over by about two to five feet. And it's
22 actually supposed to slope off to both corners. So the
23 north corner and southwestern corner are over by the
24 furthest amount, which is somewhere in six to ten feet at
25 the corners.

1 So they were actually only over for a small
2 portion of the deck, and it's at the lower end of the
3 deck. So an increase of 18 feet satisfies that basically
4 where the final elevation is going to be, they would be in
5 compliance. And it would raise the rest of the deck up
6 towards the east. So there would be a larger amount of
7 capacity than what it figures when you just think it being
8 another eight feet. So just to provide some clarification
9 on that issue.

10 CHAIRPERSON MULÉ: Any other questions?

11 COMMITTEE MEMBER DANZINGER: Nothing substantive.
12 I was just struck by some of the comments I just noticed
13 in the community outreach. When individuals have replies
14 in there, it's usually they're complaining about something
15 going on in there. It looks like they just want to know
16 when it's closed. We want to know what we are not able to
17 use it. You have more people that want to use it. It's
18 very unusual under the outreach.

19 CHAIRPERSON MULÉ: Board Member Peace.

20 COMMITTEE MEMBER PEACE: Can you tell me what
21 your financial demonstration is? Is it a pledge of
22 revenue?

23 MR. SEIFERT: Yes. The pledge of revenue goes
24 into the trust fund based on the capacity used each year.

25 COMMITTEE MEMBER PEACE: Some of the comments

1 were people from slab city saying they couldn't use their
2 landfill. I know technically they shouldn't be there
3 either, but can they use the landfill for a fee or are
4 they not allowed to use it?

5 MR. SEIFERT: They're allowed to use the landfill
6 for a fee. Our landfills are set up under a revenue
7 system that is through the parcel tax that we collect when
8 you pay your property taxes. There's no revenue collected
9 at the landfill site. If you are on a piece of property
10 that is within the parcel tax system, you have the right
11 to use the landfill. Obviously, the slab residents,
12 they're residing on State land. They're outside the
13 county's ability to assess the parcel tax. But they still
14 they have the ability to go down to our office, obtain a
15 permit, and then they can dispose solid waste there and
16 then build accordingly.

17 COMMITTEE MEMBER PEACE: Thank you.

18 CHAIRPERSON MULÉ: Okay. Are there any other
19 questions?

20 Bill, thank you for being here. And Lars, thank
21 you for your comments. I am familiar with your situation
22 in the county. And I understand that you're trying to
23 change the way things have been operating for a long
24 period of time. And I know it's taken time. Frankly,
25 when I first read this item, I was troubled by the

1 compliance history. But I do understand now that you are
2 trying to correct things and correct the situation.

3 So with that, do I have a motion?

4 COMMITTEE MEMBER PEACE: I'll move Resolution
5 2008-27.

6 COMMITTEE MEMBER DANZINGER: Second.

7 CHAIRPERSON MULÉ: It was moved by Member Peace,
8 seconded by Member Danzinger.

9 We can substitute the previous roll and put that
10 one on consent as well. Thank you all for being here.

11 Our next item is Committee Item E, Board Agenda
12 Item 4. Ted.

13 DEPUTY DIRECTOR RAUH: Yes. Thank you, Chair
14 Mulé.

15 Item E is Consideration of a Revised Full Solid
16 Waste Transfer/Processing Station Permit for the Western
17 Amador Recycling Facility in Amador County. Here to
18 present the item is Mary Madison-Johnson.

19 CHAIRPERSON MULÉ: Hi, Mary.

20 MS. MADISON-JOHNSON: Good afternoon, Madam Chair
21 and members of the Board.

22 This facility is owned by the county of Amador
23 and operated by Amador Disposal System.

24 The facility is adjacent to the Buena Vista
25 Landfill, which stopped taking in waste in 2004. Waste is

1 now handled at this transfer station and transferred to
2 Forward Landfill in San Joaquin County.

3 The proposed permit is to allow for the
4 following: Increase the maximum daily tonnage; increase
5 the maximum traffic volume; increase the acreage; and
6 increase in the hours of operation.

7 Board staff have determined all of the required
8 findings have been met.

9 In conclusion, staff recommends that the Board
10 adopt solid waste facility permit decision number 2008-28
11 concurring in the issuance of the solid waste facility
12 number 03 AA-0008.

13 The LEA and the operator are present to assist
14 you with any questions you may have.

15 And that concludes staff's presentation.

16 CHAIRPERSON MULÉ: Thank you, Mary.

17 Do we have any questions for staff? Board Member
18 Peace, anything? Board Member Danzinger? No questions.
19 Wow. Well, then do I have a motion?

20 COMMITTEE MEMBER PEACE: I'll move Resolution
21 2008-28 Revised.

22 COMMITTEE MEMBER DANZINGER: Second.

23 CHAIRPERSON MULÉ: Moved by Member Peace,
24 seconded by Member Danzinger. We can substitute the
25 previous roll and put that one on consent.

1 Thank you for being here. Thank you, Mary.

2 Our next item is Committee Item F, Board Agenda
3 Item 5.

4 DEPUTY DIRECTOR RAUH: Item F is Consideration of
5 the Adoption of a Negative Declaration and Proposed
6 Regulations on the Mammalian Tissue Composting.

7 This item has been before you several times
8 during the regulatory development process. A version of
9 the regulations before you today does not present any new
10 policy issues and response to the previous direction
11 provided by the Board.

12 The staff prepared a negative declaration for the
13 purpose of furthering discussion and public participation
14 regarding the regulations. However, this step is not
15 required under the law, because the project qualifies for
16 an exemption under CEQA.

17 We received one comment from San Joaquin Valley
18 APCD, Air Pollution Control District, which will be
19 discussed as part of the staff's presentation.

20 Staff recommendation has changed on this item
21 based on this comment and communication with San Joaquin
22 Valley. While we seek your adoption of the regulations,
23 we do not seek your adoption of the negative declaration.

24 Based on your direction today, staff will revise
25 the resolution prior to the Board meeting to provide for

1 the Board to find the project exempt from CEQA.

2 Here to present the item is Robert Holmes.

3 MR. HOLMES: Good afternoon, Madam Chair,
4 members.

5 For the record, I'll just go over a brief history
6 of the rulemaking piece of this item.

7 The Board first adopted emergency regulations in
8 April of 2007. Those emergency regulations went into
9 effect on June 18th, 2007.

10 In April of '07, the P&C Committee also directed
11 staff to initiate the formal rulemaking process for the
12 permanent regulations. The 45-day comment period ran from
13 September 7th through October 22nd, 2007.

14 Staff held a public hearing on November 1st,
15 2007.

16 And then on December 3rd, 2007, the P&C Committee
17 directed staff to initiate a 15-day comment period for
18 changes. That comment period ran from December 7th
19 through December 28th. Actually longer than 15 days
20 because of the holiday through in an extra week there. We
21 received no comments during the second 15-day comment
22 period on the regulations.

23 As Ted mentioned, in order to comply with CEQA,
24 staff prepared an initial study. Although technically the
25 regulations could have qualified under CEQA as an

1 exemption, it was our intention to solicit information
2 that may further justify the factual findings of a threat
3 to the environment.

4 We received one comment during the comment period
5 on the circulation of the initial study from the San
6 Joaquin Valley Air Pollution Control District.
7 Essentially they had five points, but their comments can
8 be summarized as they didn't feel that the initial study
9 went far enough in terms of assessing the air quality
10 impacts of the emergency temporary composting part of the
11 rule.

12 The proposed regulations do two primary things.
13 One is it allows for research operations using mammalian
14 tissue. They want to find additional research. They're
15 not so much concerned about that part of it. But with the
16 emergency regulation part of it, they felt that there were
17 air quality impacts from that. So we had some discussions
18 with them. We narrowed down their primary concerns with
19 VOCs, volatile organic compounds.

20 So we did some analysis based on the tonnages of
21 and the numbers of animals that we had mortalities. In
22 the summer of 2006 heat wave event, we used air emissions
23 factors from the recent Modesto composting study which
24 looked at the incorporation of 15 percent food material.
25 We don't have direct data on emissions from animal tissue.

1 That's why we're doing the research. We used the best
2 approximation. We calculated a VOC emissions of 42 tons
3 over the life of the 2006 event, which would have been
4 minimum of three weeks up to six-month period where the
5 animals would have been composted. So it's 42 tons of
6 VOCs.

7 That compares, just for your information, based
8 on the district's own studies, they have 375 tons per day
9 from all sources of VOCs in the district. However, their
10 significance criteria under CEQA they have set at ten tons
11 per day. So our 42 tons for the event exceeds their
12 significance criteria. So unless we can mitigate through
13 the regulations to below that level of then technically
14 under CEQA an EIR is required.

15 So given the fact that we recognize the fact that
16 the air district is trying to protect the air quality in
17 the district, but there are other considerations in terms
18 of impacts on the environment that we feel the Board is
19 looking out for. There are other impacts from other
20 alternative options, including landfilling. We're talking
21 about greenhouse gas emissions from landfilling. We're
22 talking about the transportation impacts from moving the
23 animals off site.

24 And the example that I keep saying each time I'm
25 here before you, but it's a very real and potential

1 impact. If we're talking about a disease situation, an
2 infectious disease where it's infectious to animals or
3 humans, it is very likely that either USDA or the State
4 Veterinarian will quarantine that property and not allow
5 the movement of those animals off site at all. So you
6 can't talk about any type of off-site management solution.

7 Also in some exercises that we did relative to
8 the bird flu avian influenza, that material may be
9 considered a medical waste which cannot go into landfills
10 unless it's first treated. So we're not going to be using
11 compost as a treatment method there.

12 So that all brings us back -- and Ted mentioned
13 the staff recommendation now is to adopt the regulations
14 as they were put out during the second 15-day comment
15 period and also find that the regulations are exempt from
16 CEQA.

17 I don't recognize anyone from the district in the
18 audience today. Unless I'm mistaken, they're not here.
19 But Mr. John Rowden, who is the manager of the Department
20 of Food and Agriculture's Emergency Preparedness and
21 Support Unit, which is within the Animal Health division,
22 is here and is willing to address the Committee if you so
23 fit.

24 That concludes my presentation.

25 CHAIRPERSON MULÉ: Thank you, Bob.

1 Do we have any questions for Bob or for John?

2 Any questions?

3 I just have one question, Bob. You said that
4 there was 42 tons of VOC generated. Is that per day, 42
5 tons per day from that event, or that was total VOC
6 emissions?

7 MR. HOLMES: Total VOC emissions for the event.

8 CHAIRPERSON MULÉ: How long did you say the event
9 was?

10 MR. HOLMES: The heat was a couple week period.
11 But the animals would have been composted from anywhere
12 from four weeks to six months until they stopped emitting.

13 CHAIRPERSON MULÉ: So I guess for me I understand
14 the APCD's concern with the VOC emissions. But I think if
15 we look at a couple of things, if we look at the broader
16 context of protecting the environment as well as public
17 health and safety -- and the other thing that struck me
18 about this is that it is just a temporary event. It's not
19 continuous. It's not ongoing. And I'm glad that CDFA is
20 here. Thank you for being here. I just want to make sure
21 that you're comfortable with this as well. I don't want
22 to send the message to APCD that we're ignoring their
23 criteria. But at the same token, I think, you know, we
24 need to look at that, but we also need to look at the
25 broader context of this whole regulations package.

1 Could you state your name?

2 MR. ROWDEN: If I may. John Rowden, and I'm with
3 CDFA.

4 I first of all would like to compliment the Waste
5 Board for working with us so closely on that stakeholders
6 group on this particular issue. And one of the things
7 that's really helpful with that group is to have all these
8 various voices, you know, at the table. You know,
9 everybody's perspectives brought to bear. So I think
10 everybody including the industry, both the rendering
11 industry, the dairy industry, the waste industry,
12 everybody is really understanding the perspectives of the
13 various regulatory groups. It's been very helpful for us
14 to bring that perspective.

15 I don't think anyone would foresee a situation
16 unless it was a dire situation where we had a severe
17 animal disease outbreak. Nothing like the heat wave. But
18 something where we really couldn't move carcasses off site
19 would you ever see anything like this.

20 We're moving with an abundance of caution to make
21 sure that composting is effective and look at the specific
22 environmental effects that it may present and any kind of
23 mitigation measures that we can determine.

24 CHAIRPERSON MULÉ: Thank you. If we don't have
25 any questions or comments, do I have a motion?

1 COMMITTEE MEMBER PEACE: I thought you were going
2 to revise it and --

3 CHAIRPERSON MULÉ: We need to revise this
4 Resolution then and bring it back to the full Board.

5 STAFF COUNSEL BLEDSOE: We do need to revise the
6 Resolution to delete the paragraph regarding negative
7 declaration and insert a paragraph about exemption from
8 CEQA.

9 CHAIRPERSON MULÉ: We can't act on this today?

10 STAFF COUNSEL BLEDSOE: We sometimes do modify
11 the Resolution at the direction of the Committee. So we
12 can proceed today or we can bring it back with the exact
13 wording for the full Board.

14 CHAIRPERSON MULÉ: I don't know about my fellow
15 Committee members, but I'm comfortable with you coming
16 back with the wording and we can act on this today. I
17 think we're all in agreement that we want to move this
18 forward.

19 COMMITTEE MEMBER PEACE: It was just the one line
20 you need to strike out, "Now, therefore be it resolved,
21 the Board adopt a negative dec."

22 STAFF COUNSEL BLEDSOE: My recollection is
23 there's probably three or so sentences that relate to --

24 COMMITTEE MEMBER PEACE: So you need to go
25 through it and make sure. If you want to go through it

1 and --

2 CHAIRPERSON MULÉ: That's what I'm saying. We've
3 discussed the revisions. I think we all -- again, I don't
4 want to put words in my Committee member's -- but I just
5 want to make sure we all agree that based on the
6 discussion we just had we're comfortable with moving the
7 resolution as revised as just discussed.

8 STAFF COUNSEL BLEDSOE: Yes. And we'll circulate
9 that by the end of the day.

10 CHAIRPERSON MULÉ: Very good. So do I have a
11 motion to move the Resolution as revised per the direction
12 of the Committee?

13 COMMITTEE MEMBER PEACE: I'll move Resolution
14 2008, right, not 2007. Resolution 2008-29 as revised per
15 the direction of the Committee.

16 COMMITTEE MEMBER DANZINGER: Second.

17 CHAIRPERSON MULÉ: It was moved by Member Peace,
18 seconded by Member Danzinger. And without further ado,
19 we'll substitute the previous roll.

20 And can we put this on consent, Michael, or will
21 it need to come back to the full Board?

22 STAFF COUNSEL BLOCK: It's your choice. You can
23 put it on consent based on the motion you just made with
24 the idea that if for some reason you can pull it off.

25 CHAIRPERSON MULÉ: Let's put it on consent. And

1 then if anybody has an issue, they can always pull it.

2 Let's move to Committee Item G.

3 DEPUTY DIRECTOR RAUH: Yes. Chair Mulé, this
4 last item from this program is a discussion item. And
5 it's to bring the Committee up to speed with where we are
6 on the financial assurance activity. And here to make
7 that presentation is Bill Orr.

8 (Thereupon an overhead presentation was
9 presented as follows.)

10 DIVISION CHIEF ORR: Good afternoon, Chair Mul
11 and Committee members. For the record, my name is Bill
12 Orr, Chief of the Closure, Cleanup, and Financial
13 Assurances Division.

14 This item is actually similar to a presentation
15 that was made last October by Bernie Vlach on Phase I.

16 And what I'd like to do today is to update the
17 Committee on what's transpired since the December
18 Committee meeting, share refinements to the staff approach
19 for Phase 2, and present the schedule of upcoming
20 workshops.

21 --o0o--

22 DIVISION CHIEF ORR: Focusing on the refinements
23 to our staff approach, we plan to continue the AB 2296
24 consulting group. We found that was a very effective
25 means of getting feedback on the process and the substance

1 during Phase I. But we're hoping to do so in a more
2 interactive fashion. I think everyone felt rushed as we
3 looked at closure and postclosure issues in Phase I in the
4 fall. And so we plan on taking a more deliberative
5 approach.

6 One thing we plan on doing is utilizing more of a
7 round table approach instead of more of a theater style
8 where we can generate more interaction between
9 stakeholders and develop more working solutions. We also
10 plan on having Rubia Packard provide neutral facilitation
11 services for the meetings.

12 Per the direction of the Committee and our
13 general approach, we want to utilize sound science and the
14 best information available.

15 One of the things that came up during the fall
16 was we had the contractor that was receiving various
17 technical documents and it wasn't always clear to
18 stakeholders how the information that they were providing
19 was being utilized in developing their report. Well, at
20 this point, the process is ours and staff has taken
21 ownership of that process. So one of the things that we
22 will make sure is that the documents previously provided
23 and ones that are received going forward will be fully
24 analyzed by staff and that information will clearly be
25 accounted for in the working documents.

1 In addition to that, we'll be collecting
2 information on what's going on around the country. I'll
3 be talking about that a little bit more in other states
4 and U.S. EPA. We'll be actually taking a look at actual
5 costs in terms of postclosure maintenance. And one of the
6 things we found to date in looking at our own records is
7 we don't have much information to either defend or refute
8 the claim that postclosure maintenance costs will go down
9 or up over time.

10 What we're seeing in our records is simply people
11 are requesting payments based on an annual increment. So
12 it may or may not reflect the actual cost. They may just
13 be requesting a percentage of what they know they have.
14 And that amount may be lower or higher than what it's
15 really costing. So we've already put out the word that
16 we'd like to get more information from actual costs from
17 landfill operators.

18 We're also conducting a compliance review of
19 California landfills for all 282 landfills that are
20 covered by the closure/postclosure requirements. And
21 we'll be ground truthing the risk model components that
22 were presented by the contractor. That will incorporate
23 information on our own SWIS database, various compliance
24 orders, information from the Regional Water Boards as
25 well.

1 In fact, one of the things that came up during
2 our stakeholder workshops is that the L.A. County
3 Sanitation District was planning on doing a similar
4 activity, and we've agreed to work together on that. So
5 that was one of the real beneficial outcomes that we've
6 already had in our process so far.

7 Moving on briefly to the schedule. We will be
8 having monthly workshops commencing at the end of this
9 month. Public notices are being prepared and will be
10 posted on BAWDS later this week.

11 --o0o--

12 DIVISION CHIEF ORR: And Board members are
13 definitely encouraged to participate. These all will be
14 publicly noticed meetings, and so there's not a problem
15 with that going forward.

16 Just as a side note, the Phase I regulations were
17 submitted to the Office of Administrative Law back on
18 January 10th, and we expect to hear back from OAL
19 regarding those regulations by February 26th.

20 --o0o--

21 DIVISION CHIEF ORR: In terms of what's gone on
22 in January and the beginning of February, we did follow up
23 on the Committee's direction on the low compliance rate
24 for the water corrective action financial assurances. We
25 actually met with Dorothy Rice and her staff back in

1 December.

2 And then about a week or so ago, I participated
3 with a meeting of all of the Regional Water Board
4 executive officers regarding this situation. And they
5 basically committed to working with us through the
6 Regional Water Board round tables to increase the
7 compliance. And since that meeting, I can report that
8 staff is already getting inquiries back on the status of
9 their corrective action financial assurances. So we will
10 be working with them going forward on that as well.

11 We also held a series of three stakeholder group
12 meetings. The intention of one was to review the
13 responses to comments on what their concerns were during
14 Phase I. One of the recurring comments that we got was
15 they never really knew how we addressed their comments.
16 So we've drafted a response to comment document. We
17 shared that with the stakeholders in these three
18 stakeholder meetings and have given them two weeks to
19 identify whether we've responded to their comments or
20 whether there are additional comments that we did not
21 respond to. We expect those by the end of this week.

22 We also discussed outstanding issues that each of
23 the stakeholder groups had. And then we outlined the
24 schedule that we're talking about this afternoon going
25 forward.

1 A fourth meeting has been scheduled also with
2 local government at large representative, CSAC, the League
3 of Cities, and others, for February 21st.

4 --o0o--

5 DIVISION CHIEF ORR: Looking forward, in
6 February, as I mentioned, we will be having a -- we have
7 today's update. And we will be having a modeling
8 scenarios workshop on the potential risk model.

9 Notices were sent out to stakeholders last Friday
10 with a tentative list of scenarios that we've already
11 analyzed. It also includes a description of the base case
12 that was analyzed by ICF, the contractor. And it includes
13 a list of the variables that can be changed in the model
14 and also some instructions on how to run the various
15 scenarios. We requested additional suggestions in terms
16 of scenarios to consider as part of the workshop by
17 February 22nd.

18 --o0o--

19 DIVISION CHIEF ORR: In March, we will be having
20 a workshop on postclosure maintenance activities. One of
21 the first things we'll be looking at is defining what
22 activities are to be included in corrective action versus
23 which activities are to be included in postclosure
24 maintenance.

25 That's important for a variety of reasons, but

1 one of the most important things is to make sure -- well,
2 there's two important reasons. To make sure all things
3 are accounted for and things are not required to be
4 included twice. So there's the flip side of that.

5 Also we'll be looking at various criteria that
6 have been looked at for determining the end of the
7 postclosure maintenance period. That's some of the
8 documentation that I referred to earlier that's been
9 provided to us. We'll be looking at what U.S. EPA and
10 other states are doing, and I'll be talking about that
11 more in just a second.

12 We'll be looking at what the California
13 experience has been. So far, we've had landfills that are
14 about 15 years into the postclosure maintenance, but as
15 part of our compliance survey and other activities we'll
16 be coming up with more specific information to provide a
17 comprehensive picture of that. And then we'll identify
18 areas that may need additional statutory change.

19 --o0o--

20 DIVISION CHIEF ORR: As an example of what staff
21 has done already, we've actually established relationships
22 with a network of all 50 states in terms of their solid
23 waste representatives and had done an initial survey
24 regarding the requirements for postclosure maintenance for
25 landfills under Subtitle D.

1 We received an incredible response. Forty-eight
2 states out of the 50 have responded to the survey. Six
3 of them are actually actively working in the area of
4 postclosure maintenance doing various things. But all of
5 the states are very interested in what we're doing and the
6 results of additional survey activities.

7 Staff intends to continue to use this tool to
8 solicit additional relevant information from states over
9 the next six months. This is just sort of an example of
10 the kind of thing we've already started to do.

11 --o0o--

12 DIVISION CHIEF ORR: In April, we'll be looking
13 at corrective action, that specific chunk that will
14 include the results of the landfill compliance survey I
15 mentioned earlier. We'll also look at alternative options
16 and methodologies for classifying the landfill. Potential
17 threats, that could be looking at alternative criteria or
18 alternative methodologies.

19 We'll also be following up with the Water Board
20 in terms of piggy-backing on their current reasonably
21 foreseeable financial assurance program to make sure that
22 we coordinate our rulemaking with any rulemaking that may
23 be needed on their part. And similarly we'll identify any
24 potential statutory amendments.

25 --o0o--

1 DIVISION CHIEF ORR: In May, we'll be basically
2 having an informal workshop to bring together the things
3 that are covered in the postclosure maintenance and
4 corrective action workshops in February, March, and April.
5 But also we'll be bringing forward the issues that were
6 deferred from the Phase I rulemaking that include the
7 contingency on postclosure maintenance cost estimates, the
8 submittal of as-built costs after closure, and proposed
9 amendments to the assurance mechanism.

10 Along with that, during the stakeholder process,
11 the contractor had raised questions about standardizing
12 some of the provisions in the Pledge of Revenue Agreement.
13 And then the other things that will be talked about as
14 part of that would be the post 30-year financial assurance
15 demonstrations and the non-water quality corrective action
16 measures.

17 And one of the things that came up again during
18 the Phase I process was what we've come to call the
19 fund-as-you-fill approach as to estimating landfill
20 closure costs. That was something that the Committee gave
21 us direction to proceed with. We've actually raised it
22 with a number of landfill operator groups and with LEAs.
23 We don't have any takers at this point. But if there's
24 any additional regulatory changes that would need to be
25 made to consider that approach, that would be another item

1 that would be considered during this May workshop.

2 --o0o--

3 DIVISION CHIEF ORR: In June, we basically would
4 be planning on coming back for a similar item as we had in
5 December seeking additional direction from the Committee
6 based on a menu of policy options for long-term
7 postclosure maintenance and corrective action.

8 Probably the biggest difference here is the last
9 time we did it, it was more of a triage to narrow the
10 things we were looking at. In June, we would be looking
11 to actually have a comprehensive proposal for
12 consideration by the Committee that would include the
13 items to include in the Phase 2 rulemaking and also
14 identify those items which might require additional
15 statutory authority.

16 --o0o--

17 DIVISION CHIEF ORR: And then on the heels of
18 that, in July, we would be coming back to the Committee to
19 seek rulemaking direction based on what direction we
20 receive in May to actually initiate the formal rulemaking
21 process.

22 And this whole time line is geared toward meeting
23 the second set of deadlines in AB 2296 of having these
24 regulations and additional recommendations done by June,
25 the end of June of 2009.

1 So that concludes my update, and I would be happy
2 to answer any questions.

3 CHAIRPERSON MULÉ: Thank you, Bill. I think that
4 was a very good overview of the process and the time line.
5 Really appreciate it.

6 I guess I just have one request. I heard you
7 indicate that you had sent out some information on
8 modeling scenarios.

9 DIVISION CHIEF ORR: Yes.

10 CHAIRPERSON MULÉ: I was just wondering if it's
11 possible when you send information out to the stakeholder
12 group if you can include Board offices on those e-mails or
13 separately. However you want to do it. This is an issue
14 that I think is -- we all know it's very important. And
15 it does have the interest of all the Board members. So I
16 just think it would be -- instead of us having to try to
17 keep track of it, if you could help us with that, that
18 would be very helpful. Appreciate it.

19 DIVISION CHIEF ORR: That's fully my intention.
20 If I didn't send that to you on Friday -- I did send out
21 meeting notices for all of the workshops. I think it may
22 have been in there. If it wasn't, I'll send it out as
23 soon as I get back to my desk.

24 CHAIRPERSON MULÉ: Any other questions or
25 comments for Bill?

1 COMMITTEE MEMBER PEACE: Looks like you're going
2 to be very busy.

3 CHAIRPERSON MULÉ: A lot of work. And again I
4 appreciate all of your work, Bill, and staff's work on all
5 this. Thank you.

6 Our final item for today is Committee Item H,
7 Board Agenda Item 7. And we have Howard coming up front.

8 Thank you, Ted. Thank you, Bill.

9 PROGRAM DIRECTOR LEVENSON: I think we're ready.
10 Good afternoon, Madam Chair and Committee members. Howard
11 Levenson with the Sustainability Program.

12 And we're here to present consideration of the
13 Imperial Valley Resource Management Agency Joint Powers
14 Formation Agreement. That may not sound like it because
15 of my cold, but we're very happy to have this item before
16 you. It represents a lot of work on the part of Tab
17 Willmon, Dorothy Woody, Cara, and the jurisdictions within
18 the county to come to this agreement. It's a milestone in
19 our opinion. And we're very pleased to bring this to
20 you.

21 So I think we'll just go straight to it. I think
22 this is going to foster a lot more communication among the
23 participating entities. It's going deal with allocation
24 issues. In general, it's a major step forward. So I
25 think we'll go ahead and turn it over to Dorothy to make

1 the presentation.

2 MS. WOODY: Good afternoon, Chair Mulé and
3 Committee members. Public Resource Code Section 40970
4 allows cities and counties to form a regional agency for
5 the purpose of meeting the waste diversion goals.

6 The proposed Imperial Valley Resource Management
7 Agency is being established for the purpose of
8 consolidating integrated waste management planning,
9 disposal reporting, and diversion reporting.

10 Staff has determined that by combining the Board
11 approved base year information for the member
12 jurisdictions the proposed regional agency diversion rate
13 would be 58 percent for 2004.

14 As noted in the agenda item, six member
15 jurisdictions were on time extensions through 2005. This
16 resolution stipulates these jurisdictions will continue to
17 implement the programs developed during the time
18 extension.

19 If the agency is approved, its annual report will
20 still need to provide information about each individual
21 jurisdiction's diversion program implementation
22 activities.

23 Board staff and legal counsel have reviewed the
24 regional agency agreement and determined that all
25 statutory provisions of public resource and government

1 codes have been met.

2 Board staff recommends the Board approve Option
3 1.

4 This concludes my presentation. Bob Douthitt,
5 Imperial Valley Task Force, is here today and available to
6 answer any questions the Committee may have.

7 CHAIRPERSON MULÉ: Thank you, Dorothy.

8 Do we have any questions for staff? Board Member
9 Peace.

10 COMMITTEE MEMBER PEACE: Where it says the
11 agency's annual report will need to provide information
12 about each jurisdiction's diversion program implementation
13 activity, how about diversion rate? Do we still get an
14 individual diversion rate, or are we only going to get an
15 agency rate?

16 DIVISION CHIEF MORGAN: What we're proposing is
17 that the jurisdictions, both their disposal and diversion,
18 would be rolled up as a regional agency. So the intent is
19 starting in 2006 they would report a single number to the
20 Board.

21 Up through this reporting year, we still will
22 have the disposal for each jurisdiction so we can still
23 calculate that diversion rate. But after 2006, we are
24 recommending that they report as one single entity.

25 MS. WILLMON: Board Member Peace, I was speaking

1 with John Cupps earlier, and I do believe they plan to
2 continue and monitor the disposal separately as well as
3 look at the diversion rate separately within each of the
4 individual jurisdictions. But as far as their reporting
5 to us, it will be one. Maybe John can speak better to
6 that.

7 MR. CUPPS: For the record, my name is John
8 Cupps. I'm a consultant to the task force.

9 And yes, we will certainly be maintaining the
10 individual jurisdiction disposal and diversion numbers as
11 long as the diversion system is still in place. But for a
12 lot of different reasons in order for the regional agency
13 to continue to monitor the individual jurisdiction's
14 performance, we're going to continue to track that data.
15 We will be reporting it to the Board on a regional agency
16 basis. But there's no reason we can't or wouldn't share
17 the specific jurisdiction number with the Board if there
18 was some reason the Board was interested in that.

19 COMMITTEE MEMBER PEACE: So if we wanted an
20 individual jurisdiction's diversion rate, we could do it?

21 CHAIRPERSON MULÉ: I'm sorry. We do have a
22 speaker slip here for Bob. Bob, did you want to come up
23 and say a few words?

24 MR. DOUTHITT: Good afternoon, Madam Chair and
25 Committee members. Thank you for giving us the time for

1 this. John Cupps kind of covered it.

2 CHAIRPERSON MULÉ: Could you state your name?

3 MR. DOUTHITT: Bob Douthitt. If there's any
4 questions. Or if not --

5 CHAIRPERSON MULÉ: Do we have any other questions
6 for either staff or --

7 COMMITTEE MEMBER PEACE: I don't have any
8 questions. I'm very glad to see that staff recommended
9 and also put it in the resolution that they'll still have
10 to implement their activities and their programs.
11 Appreciate you making sure that was in there.

12 BOARD MEMBER CHESBRO: Madam Chair, I'd like to
13 provide my congratulations and encouragement. This is a
14 real solution for much of rural California. And every
15 time we get another one, I think it creates more hope that
16 other jurisdictions will think it's possible.

17 I've sat on a lot of local rural regional
18 agencies, and it's no small task. Because as I was saying
19 when we were meeting this morning, you know, you have a
20 LAFCO meeting in the evening and slug it out and the next
21 morning you go to the waste management meeting and you
22 smile at each other. It takes a lot of work to figure out
23 how to cast your lot in together. So I'm very
24 appreciative of the success that is represented here in
25 this regional joining together.

1 CHAIRPERSON MULÉ: Well, I agree with those
2 comments. And again, we like the fact that this will
3 allow you to continue to implement your programs. But it
4 really does foster that collaboration. That is so
5 important in Imperial County.

6 Again, very familiar with that area, the rural
7 nature. But not for long. It's one of the rural areas
8 that's becoming more and more suburbanized. So I know you
9 have a lot of challenges before you.

10 So I applaud you for getting this to the point
11 where it is, and I want to thank staff for all of their
12 work on it. Good job.

13 And I really don't have any questions. Just
14 again, I just appreciate all the work that went into this.

15 Do you have any other questions or comments? Do
16 I have a motion then?

17 COMMITTEE MEMBER PEACE: I'll move Resolution
18 2008-21.

19 COMMITTEE MEMBER DANZINGER: Second.

20 CHAIRPERSON MULÉ: It's moved by Member Peace,
21 seconded by Member Danzinger.

22 Donnell, could you call the roll?

23 SECRETARY DUCLO: Danzinger?

24 COMMITTEE MEMBER DANZINGER: Aye.

25 SECRETARY DUCLO: Peace?

1 COMMITTEE MEMBER PEACE: Aye.

2 SECRETARY DUCLO: Chair Mulé?

3 CHAIRPERSON MULÉ: Aye.

4 We'll put that one on consent as well. So thank
5 you all very much.

6 Any other comments from the public? If not, this
7 meeting is adjourned. Thank you.

8 (Thereupon the California Integrated Waste.

9 Management Board Permitting and Compliance

10 Committee adjourned at 3:46 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 20th day of February, 2008.

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18

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22 TIFFANY C. KRAFT, CSR, RPR

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